

2025:PHHC:062291



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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-12391-2025 (O&M)
Date of Decision: 09.05.2025**

Hawa Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Manoj Chahal, Advocate
for the petitioner (through video conferencing).

HARSH BUNGER J. (ORAL)

CM-7110-CWP-2025:

Prayer in the present application is for placing on record a copy of Jamabandi (Annexure P-9), along with its vernacular version.

For the reasons mentioned in the application, a copy of Jamabandi (Annexure P-9) along with its vernacular version are taken on record, subject to all just exceptions.

Application is accordingly disposed of.

CWP-12391-2025:

Petition herein is, *inter alia*, for issuance of a writ in the nature of Certiorari to set aside order dated 15.07.2021 (Annexure P-7) passed by the learned Divisional Commissioner, Rohtak and order dated 09.08.2024

(Annexure P-8) passed by the learned Financial Commissioner, Haryana.

2. Briefly, the petitioner claims to be a co-sharer of the land comprised in Khewat No.216, measuring 161 Kanal-12 Marla (as per Jamabandi for the year 2006-07), situated at Village Dhanana, Tehsil and District Bhiwani.

2.1 It appears that respondents No.5 and 6 herein, being the co-owners of the aforesaid land, submitted an application before the Assistant Collector, 2nd Grade, Bhiwani, thereby seeking partition of their share, out of the joint land. In the said partition proceedings, petitioner herein was proceeded against *ex parte*, and thereafter, the partition came to be concluded upon drawing of *Sanad Takseem* (Instrument of Partition) vide order dated 12.08.2013 (Annexure P-2) passed by the learned Assistant Collector, 2nd Grade, Bhiwani.

2.2 Petitioner claims that when he came to know about the said partition, he immediately filed an application before the Assistant Collector, 2nd Grade, Bhiwani, seeking setting aside of *ex parte* proceedings, however, the same was dismissed, vide order dated 24.12.2015 (Annexure P-5), primarily on the ground that *Sanad Takseem* already stands issued on 12.08.2013.

2.3 Feeling aggrieved against the aforesaid order dated 24.12.2015 (Annexure P-5), petitioner preferred an appeal before the learned Collector, Bhiwani, who, vide its order dated 10.12.2019 (Annexure P-6), dismissed the appeal on the ground of jurisdiction by noticing that *Sanad Takseem* already stands issued.

2.4 Despite dismissal of the appeal by learned Collector, Bhiwani, petitioner filed a further appeal before the Divisional Commissioner, Rohtak, which otherwise was not maintainable; however, the Divisional

Commissioner, vide its order dated 15.07.2021 (Annexure P-7), set aside the final partition as well as *Sanad Takseem* and remanded the matter to the Assistant Collector, 2nd Grade, Bhiwani, for fresh decision.

2.5 Feeling aggrieved against the aforesaid order dated 15.07.2021 (Annexure P-7), respondents No.5 and 6 preferred a revision petition (ROR No.7 of 2022-23) before the learned Financial Commissioner, Haryana, who, vide its order dated 09.08.2024 (Annexure P-8), allowed the revision petition and set aside the Divisional Commissioner's order dated 15.07.2021 (Annexure P-7).

3. In the aforementioned circumstances, the present writ petition has been filed before this Court, seeking relief(s) as noticed hereinabove.

4. Concededly, the partition application was filed by respondents No.5 and 6 herein prior to the amendment of Haryana Land Revenue Act vide Haryana Act No.12 of 2017, which was notified vide Notification dated 10.04.2017.

4.1 During the course of hearing of this writ petition, learned counsel for the petitioner has not disputed the legal position that after issuance of *Sanad Takseem* by the learned Assistant Collector, 2nd Grade, Bhiwani, vide order dated 12.08.2013 (Annexure P-2), the only remedy available to the petitioner was to file a revision petition under Section 16 of the Land Revenue Act before the Financial Commissioner, Haryana. Evidently, the petitioner preferred to file appeals before the Collector, Bhiwani and the Divisional Commissioner, Rohtak; which were not maintainable.

5. Keeping in view the aforesaid facts and circumstances, I find no illegality or perversity in order dated 09.08.2024 (Annexure P-8) passed by the learned Financial Commissioner, Haryana, thereby setting aside order

dated 15.07.2021 (Annexure P-7) passed by the Divisional Commissioner, Rohtak, who had entertained the petitioner's appeal, without any such jurisdiction being vested to him.

6. Resultantly, the present writ petition fails and the same is accordingly dismissed.

7. All pending application(s), if any, shall also stand closed.

09.05.2025

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No