

<u>CWP-14097-2024 (O/M)</u>	-1-	2025:PHHC:089491
<u>CWP-14132-2024 (O/M)</u>		2025:PHHC:089492
<u>CWP-14173-2024 (O/M)</u>		2025:PHHC:089493

122, 124, 125

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 21.07.2025

<u>CWP-14097-2024 (O/M)</u>	2025:PHHC:089491
Krishna Devi through her legal heirs and another	 Petitioners

Versus

Financial Commissioner (Appeals), Punjab and others Respondents

<u>CWP-14132-2024 (O/M)</u>	2025:PHHC:089492
Krishna Devi through her legal heirs and another	 Petitioners

Versus

Financial Commissioner (Appeals), Punjab and others Respondents

<u>CWP-14173-2024 (O/M)</u>	2025:PHHC:089493
Krishna Devi through her legal heirs and another	 Petitioners

Versus

Financial Commissioner (Appeals), Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Tushar Sharma, Advocate
for applicant-petitioners in all cases.

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

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HARSH BUNGER, J. (ORAL)

CM-10094-CWP-2024 in CWP-14132-2024

This is an application filed by applicant-petitioners under
Section 151 Civil Procedure Code for placing on record certain
documents as Annexure P-13 and Annexure P-14.

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For the reasons mentioned in application, same is allowed and documents (Annexure P-13 and Annexure P-14) are taken on record subject to all just exceptions.

Application is accordingly disposed of.

CM-10564-CWP-2024 in CWP-14132-2024

This is an application filed by applicant-petitioners under Section 151 Civil Procedure Code for placing on record document as Annexure P-15.

For the reasons mentioned in application, same is allowed and document (Annexure P-15) is taken on record subject to all just exceptions.

Application is accordingly disposed of.

CM-2046-CWP-2025 in CWP-14132-2024

This is an application filed by applicant-petitioners under Section 151 Civil Procedure Code for placing on record document as Annexure P-16.

For the reasons mentioned in application, same is allowed and document (Annexure P-16) is taken on record subject to all just exceptions.

Application is accordingly disposed of.

Main cases

1. This order shall dispose of above referred three writ petitions i.e. CWP-14097-2024, CWP-14132-2024 and CWP-14173-2024, as all

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the civil writ petitions relate to partition proceedings, initiated by private respondents.

2. Prayer in CWP-14097-2024 filed under Article 226 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside order dated 22.09.2023 (Annexure P-1), passed by Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner'); order dated 02.02.2022 (Annexure P-2), passed by Commissioner, Jalandhar Division, Jalandhar (in short 'Divisional Commissioner'); order dated 04.01.2018 (Annexure P-3), passed by Sub Divisional Magistrate-cum-Collector, Dhar Kalan, District Pathankot (in short 'SDM-cum-Collector') and order dated 11.02.2015 (Annexure P-4) alongwith Sanad Takseem (Annexure P-14), passed by Naib Tehsildar-cum-Assistant Collector 1st Grade, Dhar Kalan, which arises out of the partition proceedings initiated by respondents No. 5 to 12 therein, in respect of Khewat No. 90/76, measuring 2 Kanal – 11 Marla (as per jamabandi for year 2011-12), situated at village Dhar Kalan, District Pathankot.

2.1 Prayer in CWP-14132-2024 filed under Article 226 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside order dated 22.09.2023 (Annexure P-1), passed by Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner'); order dated 02.02.2022 (Annexure P-2), passed by Commissioner, Jalandhar Division, Jalandhar (in short 'Divisional Commissioner'); order dated 04.01.2018 (Annexure P-3), passed by Sub

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Divisional Magistrate-cum-Collector, Dhar Kalan, District Pathankot (in short 'SDO') and order dated 11.02.2015 (Annexure P-4) alongwith Sanad Takseem (Annexure P-10), passed by Naib Tehsildar-cum-Assistant Collector 1st Grade, Dhar Kalan, which arises out of the partition proceedings initiated by respondents No. 5 to 12 therein, in respect of Khewat No. 88/74, measuring 190 Kanal – 2 Marla (as per jamabandi for year 2011-12), situated at village Dhar Kalan, District Pathankot.

2.2 Prayer in CWP-14173-2024 filed under Article 226 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside order dated 22.09.2023 (Annexure P-1), passed by Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner'); order dated 02.02.2022 (Annexure P-2), passed by Commissioner, Jalandhar Division, Jalandhar (in short 'Divisional Commissioner'); order dated 04.01.2018 (Annexure P-3), passed by Sub Divisional Magistrate-cum-Collector, Dhar Kalan, District Pathankot (in short 'SDO') and order dated 11.02.2015 (Annexure P-4) alongwith Sanad Takseem (Annexure P-14), passed by Naib Tehsildar-cum-Assistant Collector 1st Grade, Dhar Kalan, which arises out of the partition proceedings initiated by respondents No. 5 to 9 therein, in respect of Khewat No. 91/76, measuring 9 Kanal – 15 Marla (as per jamabandi for the year 2011-12), situated at village Dhar Kalan, District Pathankot.

3. At the outset, learned counsel for petitioners has fairly submitted that his primary grievance is as regards land measuring 190 Kanal – 2 Marla, which is subject matter of CWP-14132-2024,

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accordingly, for the sake of convenience, facts are being taken from CWP-14132-2024.

4. Briefly, respondents No. 5 to 12 preferred an application, seeking partition of joint land, comprised in the Khewat No. 88/74, measuring 190 Kanal – 2 Marla (as per jamabandi for year 2011-12), situated at village Dhar Kalan, District Pathankot. In the partition proceedings, the mode of partition was prepared on 03.12.2014 (Annexure P-7), and subsequently Naksha 'Arra' and Naksha 'Erri' was finalized and the partition proceedings culminated with the drawing of sanad takseem dated 30.03.2016 (Annexure P-10).

4.1 It appears that against the final order of partition dated 11.12.2015 (Annexure P-4), petitioners alongwith others preferred an appeal before learned SDM-cum-Collector on 20.04.2016 i.e. after issuance of sanad takseem on 30.03.2016 (Annexure P-10), which came to be dismissed, vide order dated 04.01.2018 (Annexure P-3) by holding that once sanad takseem stands issued, no appeal lies as the remedy left with the aggrieved party is to invoke the jurisdiction of learned Financial Commissioner under Section 16 (1) of Punjab Land Revenue Act.

4.2 Feeling aggrieved against learned SDM-cum-Collector's order dated 04.01.2018 (Annexure P-3), petitioners alongwith others preferred three revision petitions before the learned Divisional Commissioner in respect of three khewats, however, all the revision petitions came to be dismissed, vide a common order dated 02.02.2022 (Annexure P-2).

4.3 Thereafter, petitioner No. 1 preferred three separate revision petitions (ROR-368-2022, ROR-369-2022 and ROR-370-2022) as regards three khewats and same have been dismissed by learned Financial Commissioner, vide a common order dated 22.09.2023 (Annexure P-1).

5. In the aforementioned circumstances, the petitioners have filed the instant civil writ petition before this Court, for the relief(s), as noticed hereinabove.

6. Heard.

7. The only argument raised by learned counsel for petitioners is that while carrying out the partition, their possession has been disturbed and to demonstrate the same, the petitioners have placed on record Annexure P-9 (site plan), indicating the position emanating after the partition and another site plan (Annexure P-13), which reflects the position of petitioner's possession prior to partition. When both the site plans (Annexure P-9 and Annexure P-13) were juxtaposed to each other, learned counsel for petitioners could not deny the fact that after the partition, the land which has been allocated to the petitioners (shown in orange colour), stands consolidated, which prior to partition was lying in fragments at different places.

7.1 That apart, learned counsel for petitioners has failed to point out as to what prejudice has been caused to the petitioners by the manner in which final partition has been carried out.

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8. In my considered view, the manner in which partition has been carried out, appears to be fair, just and equitable, which does not call for any interference by this Court.

9. Resultantly, the writ petitions fails and same are accordingly dismissed.

10. Pending application (s), if any, shall also stand closed.

11. Photocopy of this order be placed on connected case files.

(HARSH BUNGER)
JUDGE

21.07.2025
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No