

140 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13878-2025 (O/M)
Date of decision : 27.05.2025

Smt. Durga Devi

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Deepak Goyal, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG Haryana.

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HARSH BUNGER, J. (ORAL)

1. Petitioner (Durga Devi) has filed the instant civil writ petition under Articles 226/227 of Constitution of India, inter alia, seeking a writ in the nature of certiorari for setting aside the order dated 10.08.2023 (Annexure P-6); order dated 14.12.2023 (Annexure P-7); order dated 18.01.2024 (Annexure P-8) and order dated 25.01.2024 (Annexure-10), passed by Assistant Collector 2nd Grade, Manesar, Gurugram (in short 'Assistant Collector').

2. Briefly, respondents No. 5 to 8 herein filed an application before the Assistant Collector, seeking partition of their share in the joint land comprised in Khewat No. 563, Rect. No. 26, Killa No. 8 (8-0), 9 (8-0), 10 (8-0), 11 (8-0), 13 (8-0) and 14 (8-0), total land measuring 48 Kanal – 0 Marla (as per jamabandi for the year 2017-18), situated at village Sidhravalli, Tehsil Manesar, District Gurugram.

2.1 It is apposite to note here that petitioner (Durga Devi daughter of Chandro daughter of Ramji Lal) was impleaded as respondent No. 7 in the partition application.

2.2 It appears that when respondent in the partition application was summoned, it was reported as regards petitioner that she has expired.

2.3 It transpires that learned Assistant Collector got issued public notice for information to legal heirs of petitioner for the date fixed in the partition proceedings i.e. 06.07.2023.

2.4 Apparently, nobody appeared on behalf of petitioner and the partition proceedings continued wherein mode of partition came to be approved on 10.08.2023 (Annexure P-6), whereupon the field staff was asked to prepare Naksha 'Bey'.

2.5 Upon receipt of Naksha 'Bey', objections thereto were invited, however, since no objections were submitted to Naksha 'Bey', same was approved, vide order dated 14.12.2023 (Annexure P-7) and Naksha 'Zeem' was called. It appears that Naksha 'Zeem' came to be approved, vide order dated 18.01.2024 (Annexure P-8) and the partition proceedings culminated with the drawing of sanad takseem, vide order dated 25.01.2024 (Annexure P-10).

2.6 A perusal of the paperbook reveals that proforma respondents No. 11 to 16 challenged the partition proceedings/sanad takseem by filing an appeal before the learned Collector, Gurugram (in short 'Collector'), however, the same came to be dismissed, vide order dated 07.01.2025 (Annexure P-12) on the ground of maintainability.

2.7 Thereafter, proforma respondent No. 16, namely, Nidhi Sharma, preferred a revision petition before learned Commissioner

Gurugram Division, Gurugram (in short 'Divisional Commissioner'), however, the same also came to be dismissed, vide order dated 04.04.2025 (Annexure P-14).

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition before this Court for the relief (s), as noticed hereinabove.

4. Heard.

5. At the outset, it is required to be noticed that petitioner has neither challenged the partition proceedings/sanad takseem by filing any independent petition before learned Divisional Commissioner in terms of Section 16 of Haryana Land Revenue Act, 1887 (in short '1887 Act') nor petitioner has laid any challenge to order dated 04.04.2025 (Annexure P-14), whereby challenge to the partition proceedings/orders and also sanad takseem on behalf of proforma respondent No. 16 (Nidhi Sharma), has been rejected.

6. During the course of hearing of this case, a specific query was raised to learned counsel for petitioner as regards the extent of land holding of petitioner in the joint khewat and also as to whether the petitioner is related to proforma respondents.

7. In response, learned counsel for petitioner has fairly submitted that proforma respondents are related to petitioner and also that petitioner only owns 1 marla land in the total joint khewat.

8. Keeping in view the aforesaid stand taken by learned counsel for petitioner, it is noticed that the total land under partition is 48 Kanal, wherein petitioner is owner of only 1 marla area. Further, as per clause 3 of mode of partition, three khewats were to be carved out i.e. first khewat

was for the applicants, who have filed the partition application; second khewat was for respondents No. 1 to 6 in the partition application and third khewat was to be made for remaining respondents in the partition application. Evidently, the share of petitioner has been kept joint with other co-sharers and it is not case of petitioner that she has suffered any loss of area in the final partition.

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

10. Resultantly, the instant civil writ petition fails and the same is accordingly dismissed.

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

(HARSH BUNGER)
JUDGE

27.05.2025
sjks

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No