

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-16165-2025 (O/M)

Date of decision : 09.09.2025

Rajesh and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Pardeep Sharma, Advocate  
for the petitioners.

Ms. Upasana Dhawan, AAG Haryana.

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HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition filed under Article 226 of Constitution of India is for issuance of a writ in the nature of certiorari for setting aside the order dated 12.12.2024 (Annexure P-21), passed by learned Financial Commissioner, Haryana (in short 'Financial Commissioner'), whereby he has set aside sanad takeem (instrument of partition) dated 27.10.2017 (Annexure P-20) and has further remanded the matter to Assistant Collector, Alewa, District Jind, to proceed with the partition proceedings from the stage of Naksha 'Kh' by recasting Naksha 'Kh'. The relevant extract of order dated 12.12.2024 (Annexure P-21) reads as under :-

*“4. The partition has unduly favoured the applicant-respondent. More than one-half of the road-front on the village phirni has been allotted to the applicant-respondent, though he owns only 1/6<sup>th</sup> undivided share of the total area. Besides, he has been allotted a second chunk of land in killa nos. 167//16/1 (3-16), 168//18/2 (4-0), 19 (8-0), 20 (7-12), for*

*which a separate passage of area 1K-03M has been created. The applicant-respondent could have been earmarked his separate area in one place leading to lesser fragmentation. Due to the above reasons, the impugned sanad takseem cannot be sustained and is hereby set aside. The parties are remanded to the Assistant Collector, Alewa with a direction to the Assistant Collector to re-cast Naksha 'Kh' such that the applicant-respondent is allotted separate area in one place without fragmentation. The road-front on the link road which may be allotted to the applicant-respondent shall not exceed one-fifth of the total length of the road-front abutting the joint land."*

2. Learned counsel for petitioner has failed to dislodge the observations recorded by learned Financial Commissioner by referring to any material whatsoever. The only submission raised is that some of the co-sharers have compromised with the petitioner, however, it is not disputed that all the co-sharers have not arrived at any mutual settlement.

3. I have gone through the findings/observations made by learned Financial Commissioner and I am of the considered view that in the attending circumstances, learned Financial Commissioner was justified in setting aside the sanad takseem and remanding the matter.

4. In view of the above, instant civil writ petition is devoid of merits and same is accordingly dismissed.

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

(HARSH BUNGER)  
JUDGE

09.09.2025  
sjks

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