



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

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LPA-1970-2025

Date of Decision: 27.08.2025

Mukesh and another

....Appellants

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Vikram Singh, Advocate and
Mr. Ishnoor Singh, Advocate
for the appellants.

Ms. Anu Pal, Additional Advocate General, Haryana.

Mr. Munish Gupta, Advocate
for the respondents No.4 to 8.

Harsimran Singh Sethi, J. (Oral)

1. In the present appeal, the challenge is to the order dated 21.01.2025 passed in CWP-20188-2014 by the learned Single Judge by which, the writ petition filed by the appellants, challenging the partition proceedings, has been dismissed.

2. Learned counsel for the appellants argues that the valuable land in question has not been partitioned equally between the respective parties which is causing prejudice to the appellants hence, the said partition proceedings are liable to be quashed, which aspect has not been noticed by the learned Single Judge in the correct perspective while passing the impugned



order.

3. Learned counsel appearing on behalf of the private respondents submits that keeping in view the fact that the *Naksha 'Kha'* was received by the Assistant Collector Grade I from the field staff and objections were called from the respective parties qua said *Naksha 'Kha'* and the petitioners, who are the appellants herein, never submitted in the objections to the said *Naksha 'Kha'*, which was ultimately finalized and the partition proceedings were concluded with issuance of '*sanad takseem*' vide order dated 30.11.2018 hence, once opportunity was given to the interested parties and to object the same was not utilized therefore, after the finalization of the partition proceedings qua land in question, the same cannot be agitated, which fact has rightly been appreciated by the learned Single Judge while passing the order dated 21.01.2025.

4. We have heard the learned counsel for the parties and have gone through the record with their able assistance.

5. Once it is a conceded position that when *Naksha 'Kha'* was received and due notice was given to the appellants herein to raise their objections and despite issuance of such notices, the appellants never raised any objection qua said *Naksha 'Kha'*, which objection is being raised in the writ petition and the appeal, the same is not maintainable. It should be noted that non-objection qua *Naksha 'Kha'* at hands of the appellant will be deemed as an admission and agreement qua *Naksha 'Kha'*, according to which agreement, *Naksha 'Kha'* '*sanad takseem*' was ultimately finalized, and eventually the partition proceedings came to an end, after which process the petitioners cannot raise the ground on merit that *Naksha 'Kha'* was incorrectly

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prepared or the same was incorrect.

6. Learned counsel for the appellants concedes that the argument which is being raised by the appellants now, the opportunity given to them to raise the same against the *Naksha 'Kha'* which objection was never raised by them until the same was finalized and the '*sanad takseem*' was issued.

7. Keeping in view the said conceded fact, the appellants cannot be allowed to re-open the partition proceeding when they had agreed to *Naksha 'Kha'*, by not objecting to the same, according to which the '*sanad takseem*' has ultimately been prepared.

8. Learned counsel for the appellants has not been able to point out any perversity in the order dated 21.01.2025 passed by the learned Single Judge either on facts on record or law, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

9. Accordingly, the appeal is dismissed.

10. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

August 27, 2025*Varinder*

Whether speaking/reasoned : Yes

Whether reportable : No