

156 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18161-2025 (O/M)

Date of decision : 08.07.2025

Bittu and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Ashok Tyagi, Advocate
for the petitioners.

Mr. Rajneesh Chadwal, AAG Haryana.

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HARSH BUNGER, J. (ORAL)

CM-9374-CWP-2025

This is an application filed under Section 151 CPC for placing on record copy of coloured site map as Annexure P-13.

For the reasons mentioned in application, same is allowed and copy of coloured site map (Annexure P-13) is taken on record subject to all just exceptions.

Application is accordingly disposed of.

CWP-18161-2025

1. Petitioners have filed the instant civil writ petition under Articles 226/227 of Constitution of India, inter alia, seeking issuance of a writ in the nature of certiorari for setting aside the order dated 15.10.2024 (Annexure P-8), passed by Assistant Collector 1st Grade, Rai (in short 'Assistant Collector'), whereby the objections submitted by the petitioners to Naksha 'Kha' in the partition proceedings; have been dismissed.

1.1 A further prayer has bene made for setting aside the order dated 22.05.2025 (Annexure P-10), passed by Collector, Sonapat (in short

'Collector'), whereby an appeal filed by the petitioners against order dated 15.10.2024 (Annexure P-8), has been dismissed.

2. Briefly, respondents No. 4 to 7 herein filed an application, seeking partition of joint land, measuring 52 Kanal – 3 Marla, comprised in Khewat No. 250/204 (as per jamabandi for 2019-20), situated at village Rai, District Sonapat.

2.1 In the aforesaid partition proceedings, mode of partition (Annexure P-2) was prepared, which was subsequently sanctioned. The relevant extract of mode of partition reads as under :-

“That Khewat No. 250//240 area of village Rai is being presented for partition which will be partitioned in the following manner :

- 1. The first Khewat should be made of First Party.*
- 2. The second Khewat should be made separately of Second party.*
- 3. Partition should be done while keeping the possession intact and road and path should be given as per requirement and the tree be kept on the land.*
- 4. The shortage upto 02 Marlas will not be objectionable.*
- 5. The Tubewell should be allotted to the party who has installed it and minimum Kurras be carved out as far as possible and type and value of land be kept in mind.*
- 6. Halqa Patwari will do the partition under the supervision of Halqa Girdawar and the first party will pay the fee for documents which has been fixed as Rs. 2000/- to the Halqa Patwari and the first party will have to prepare a non-judicial stamp paper of Rs. 15/- for the preparation of Instrument of partition and it was read out and explained.”*

2.2 Thereafter, Naksha 'Kha' was approved, vide order dated 25.03.2022.

2.3 Feeling aggrieved against order dated 25.03.2022, petitioners herein preferred an appeal before the learned Collector, who vide order dated 05.10.2023 (Annexure P-5), set aside the order dated 25.03.2022 and remanded the matter to Assistant Collector concerned with a direction that revised Naksha 'Kha' be prepared after inspecting the spot and keeping in view the type/value of the land.

2.4 It transpires that upon remand, fresh Naksha 'Kha' was proposed and objections thereto were called. The petitioners herein are stated to have submitted their objections (Annexure P-7), however, said objections came to be dismissed by Assistant Collector concerned, vide order dated 15.10.2024 (Annexure P-8).

2.5 Feeling aggrieved against aforesaid order dated 15.10.2024 (Annexure P-8), petitioners herein preferred an appeal before learned Collector, however, the said appeal has also been dismissed, vide order dated 22.05.2025 (Annexure P-10).

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

4. Learned counsel for petitioners submits that the revenue authorities below have failed to consider and appreciate the objections raised by the petitioners herein to Naksha 'Kha'. It is submitted that Naksha 'Kha' has not been prepared after visiting the spot and neither the type and value of land has been kept in view. It is further submitted that Naksha 'Kha' is also contrary to mode of partition. It is next submitted that

over a part of land under partition, high tension electricity wires are passing through and on that account, the value of said area has decreased. It is stated that the land under partition is earmarked for industrial purposes, as per the master plan and, therefore, no change of land use would be granted as regards land over which high tension electricity wires are passing. It is also submitted that private respondents have been allocated area on the pucca road, which is more valuable than the land allocated to the petitioners. It is contended that learned Collector has rejected the appeal of the petitioners by passing a non-speaking order. Accordingly, prayer has been made for setting aside the impugned orders and remand the matter to Assistant Collector concerned for deciding the objections of the petitioners to Naksha 'Kha' afresh.

5. I have heard learned counsel for petitioners and perused the paperbook with his able assistance.

6. As regards submission of the petitioners that Naksha 'Kha' has not been prepared after visiting the spot, I find no merit in the same as it has been clearly recorded by Assistant Collector concerned in order dated 15.10.2024 (Annexure P-8) that he had personally inspected the spot of the land in question. Rather, Assistant Collector concerned has made a specific observation that on the spot, high tension poles are standing and the wire passes through Rect./Killa No. 15//21/1, 21/2 and 20//1, 2. Accordingly, aforesaid contention of the petitioners is rejected.

6.1 As regards second submission of the petitioners that Naksha 'Kha' has not been prepared as per sanctioned mode of partition, it is

observed that learned counsel for petitioners has not shown as to which of clauses of mode of partition have been violated or not kept in view.

6.2 As regards submission of the petitioners that they (petitioners) have been allocated less valuable land, upon which high tension electricity wires are passing; the said objection was dealt and rightly rejected by Assistant Collector concerned by observing as under :-

“ I have heard the learned advocates of both the parties in detail and have also perused the file thoroughly and have also personally inspected the spot of suit land. On the spot, the high tension wire pole is standing on the land of both the parties and the wire passes through Rectangle and Kila No. 15//21/1, 21/2 and 20//1, 2. The second party has filed the objections merely to prolong the partition proceedings. Therefore, the objections of the second party qua Naksha 'Kh' are rejected finding therein no force. The partition is sanctioned as per amended Naksha 'Kh'. The implementation of this partitioned and change of possession will be carried out after expiry of limitation period of the appeal. Now, file be presented for Naksha 'Geem' on 14.11.2024.”

6.3 Learned counsel for petitioners has failed to refer any material to dislodge the aforesaid finding returned by Assistant Collector concerned. That apart, a perusal of colour site plan, placed on record as Annexure P-13, would suggest that infact private respondents have been allocated area in four separate parcels, whereas area allocated to the petitioners is comprised in three separate parcels and whatever area has been allotted to the petitioners is on the road. It is not the case of petitioners that they have been allotted land less than their entitlement, therefore, said contention of the petitioners is also rejected.

6.4 As regards contention of the petitioners that land under partition is earmarked in the master plan for industrial use; the petitioners have not placed any material on record, therefore, said plea of the petitioners cannot be considered and hence rejected.

6.5 As regards the plea of the petitioners that learned Collector has rejected the appeal of petitioners by passing a non-speaking order, it is observed that although order passed by learned Collector is not happily worded, but learned Collector had found no error in the order passed by Assistant Collector concerned.

6.6 Before this Court as well, learned counsel for petitioners has failed to show that the findings returned by Assistant Collector concerned as regards electricity poles on the land of the petitioners as well as private respondents; is wrong and incorrect.

6.7 Further, learned counsel for petitioners has failed to show as to what prejudice has been caused to them by the manner in which area has been allocated in Naksha 'Kha'. Naksha 'Kha' appears to be fair, which does not call for any interference by this Court.

7. In view of the above, I find no merit in this writ petition and same is accordingly dismissed.

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

(HARSH BUNGER)
JUDGE

08.07.2025
sjks

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