

147

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18738-2025 (O/M)

Date of decision : 09.09.2025

Niranjan Singh

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Umesh Kanwar, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

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HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India is for issuance of a writ in the nature of certiorari for setting aside the order dated 26.04.2024 (Annexure P-11), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner'); sanad takseem (instrument of partition) dated 04.02.2020 (Annexure P-8) and order dated 21.11.2019 (Annexure P-4), passed by Assistant Collector 1st Grade, Tanda.

2. Briefly, respondents No. 3 to 6 sought partition of joint land comprised in Khewat No. 134, 135 and 384 (as per Jamabandi 2008-09), situated at village Talwandi Salhan, Tehsil Dasuya, District Hoshiarpur.

2.1 In the said partition proceedings, the petitioner appeared and submitted his reply, inter-alia raising a plea that a civil suit was pending

between the parties and till the decision of the same, the partition proceedings cannot be proceeded with.

2.2 It transpires that in the partition proceedings, petitioner was proceeded against ex-parte and partition came to be finalized, vide order dated 21.11.2019 (Annexure P-4).

2.3 Petitioner states that he learnt about the final order of partition dated 21.11.2019 (Annexure P-4) in the year 2023 and then he filed a revision petition (ROR-456-2023), which was dismissed in limine, vide order dated 17.11.2023 (Annexure P-7).

2.4 Petitioner states that upon enquiry, he found that Sanad Takseem (Instrument of Partition) had already been issued on 04.02.2020 whereas the learned Financial Commissioner dismissed the revision (ROR-456-2023) by observing that no Sanad Takseem has been issued.

2.5 It transpires that thereafter the petitioner filed another revision (ROR-241-2024), challenging Sanad Takseem; however the same has been dismissed, vide order dated 26.04.2024 (Annexure P-11).

2.6 In the aforementioned circumstances, the present writ petition has been filed before this Court for seeking relief(s) as noticed hereinabove.

3. Learned counsel for the petitioner has primarily raised two arguments; firstly, that the partition proceedings have been conducted at his back and secondly, that no passage has been provided to the land comprised in Khasra No. 15/2, 16/3, 16/2, 16/1 and 20/2/2/1.

4. I have heard learned counsel for petitioner and with his assistance, perused the paper book. As far as first submission of petitioner that partition has been conducted at his back, suffice it to say that petitioner

was duly served in the partition proceedings and he had submitted his reply as well by engaging a counsel, in these circumstances, it does not lie in the mouth of the petitioner to say that the partition has been done at his back. If petitioner has failed to diligently pursue his matter then the fault lies with the petitioner. Accordingly, the first submission of the petitioner is rejected.

4.1 As regards second submission that no passage has been provided to the petitioner to the land comprised in Khasra No. 15/2, 16/3, 16/2, 16/1 and 20/2/2/1; it is observed that the petitioner has not attached a complete copy of Sanad Takseem nor counsel for the petitioner could indicate from Naksha “Eeri” (Annexure P-5) that the land comprised in Khasra No. 15/2, 16/3, 16/2 and 20/2/2/1 has been allocated to share of petitioner. Rather, in Naksha “Eeri” (Annexure P-5) land comprised in Khasra No. 20/2/2/1 has been kept joint of all the parties as “Gair Mumkin Rasta”. Therefore, I find no force in this contention raised on behalf of petitioner and the same is accordingly, rejected.

5. It needs to be noticed here that when the petitioner filed first revision petition (ROR-456-2023) before learned Financial Commissioner, at that time, Sanad Takseem dated 04.02.2020 was already in existence and petitioner intentionally did not challenge the same and rather decided to challenge only final order of partition dated 21.11.2019 (Annexure P-4). Considering the submissions of counsel for petitioner appearing before learned Financial Commissioner, the ROR-456-2023 was decided by learned Financial Commissioner, vide order dated 17.11.2023 (Annexure P-7) in limine by observing that petitioner can avail his remedy of appeal against order dated 21.11.2019 (Annexure P-4). Thereafter,

having realised that first attempt to challenge only final order of partition dated 21.11.2019 (Annexure P-4) has failed; the petitioner chose to file second revision petition (ROR-241-2024), challenging Sanad Takseem dated 04.02.2020; which has been now dismissed, vide order dated 26.04.2024 (Annexure P-11) by observing that petitioner has not come to court with clean hand and he wants to protract the partition proceedings on one pretext or the other.

5.1 In the attending circumstances, I am of the view that observations made by learned Financial Commissioner while dismissing revision petition (ROR-241-2024), vide order dated 26.04.2024 (Annexure P-11), are justified and do not call for any interference by this Court.

6. No other point was urged.

7. In this view of the matter, I do not find any merit in instant civil writ petition and same is accordingly dismissed.

8. 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