

158 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18425-2025 (O/M)
Date of decision : 07.07.2025

M/s Ruhil Promoters Private Limited Petitioner

Versus

Financial Commissioner, Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Karanvir Hooda, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, AAG Haryana.

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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, inter alia, is for issuance of a writ in the nature of certiorari for setting aside order dated 22.04.2025 (Annexure P-12), passed by Financial Commissioner, Haryana (in short 'Financial Commissioner').

2. Briefly, in the year 2013, petitioner-Company filed an application seeking partition of joint land comprised in Khewat No. 278/241, total area measuring 30 Kanal – 18 Marla, situated at village Garhi Sampla, Tehsil Sampla, District Rohtak, Haryana. In the aforesaid partition proceedings, it appears that the mode of partition dated 22.01.2016 (Annexure P-3) was prepared. The aforesaid mode of partition came to be challenged by respondent No. 3 herein on the plea that the partition be carried out by disturbing the possession as there was difference of value of the land under partition. The aforesaid appeal is

stated to have been dismissed, vide order dated 27.07.2021 (Annexure P-5), passed by learned Collector, Sampla.

2.1 Thereafter, Naksha 'Kh' dated 17.09.2021 (Annexure P-6) was prepared and objections thereto were called. It appears that respondent No. 3 herein filed objections to Naksha 'Kh' stating therein that no valuable land has been given to them; however, it appears that the said objections were dismissed by Assistant Collector IInd Grade, Sampla, vide order dated 10.03.2023 (Annexure P-7, Colly.) and thereafter, sanad takseem dated 11.04.2023 (Annexure P-8) was issued.

2.2 It transpires that respondent No. 3 herein filed a revision petition before learned Commissioner, Rohtak Division, Rohtak, however, the same was dismissed, vide order dated 10.01.2024 (Annexure P-10).

2.3 Thereafter, respondents No. 3 and 4 herein preferred a revision petition (ROR-138-2023/24) before learned Financial Commissioner, which has been allowed, vide impugned order dated 22.04.2025 (Annexure P-12), whereby the sanad takseem dated 11.04.2023 (Annexure P-8) has been set aside and the matter has been remanded to Assistant Collector, Sampla.

3. In the aforementioned circumstances, the petitioner [M/s Ruhil Promoters Private Limited (formerly M/s Kashi Motors Private Ltd.)] has filed the instant civil writ petition before this Court for the relief(s), as noticed hereinabove.

4. Heard.

5. In this case, learned Financial Commissioner has set aside sanad takseem and remanded the matter back to Assistant Collector,

Sampla, vide impugned order dated 22.04.2025 (Annexure P-12) by observing as under :-

“2. The Ld. Counsel for respondent No. 4 submits that the link road on the western side is of the same nature as the PWD road on a part of the northern side. He further submits that if the case is to be remanded to the Assistant Collector on the ground of unnecessary fragmentation, a direction may be given to the Assistant Collector to decide the case in a time-bound manner.

3. In view of the submission made, the case is remanded to the Assistant Collector, Sampla with the direction that the naksha 'kh' shall be re-cast to avoid fragmentation of the area in kurra no. 3 allotted to the petitioners and others. The area containing the tubewell in killa no. 31//2/1, if belonging to the Petitioners, may be allotted to kurra no. 3. Part of the PWD road-front on the northern side may be allotted to each of the kurra nos. 1, 2 & 3. The revised naksha 'Kh' shall be decided within six months. Impugned sanad takseem is set aside. Parties are directed to appear before the Assistant Collector, Sampla on 15th May, 2025. ROR allowed.”

5.1 A perusal of the above extracted order would show that learned Financial Commissioner has set aside sanad takseem and remanded the matter to Assistant Collector, Sampla primarily with the consent of learned counsel appearing for the petitioner-Company. Once, learned counsel appearing for the petitioner-Company has given consent for the remand of the case, in my considered view, the petitioner-Company cannot challenge the order dated 22.04.2025 (Annexure P-12), passed by learned Financial Commissioner, whereby the matter was remanded to Assistant Collector, Sampla.

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

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

(HARSH BUNGER)
JUDGE

07.07.2025

sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No