



CWP-19664-2025 (O&M)

-1-

170

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

**CWP-19664-2025 (O&M)
Date of Decision: 16.07.2025**

Rajvir Kaur

....Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Suresh Kumar Aneja, Advocate and
Mr. Yogesh Kumar Aneja, Advocate
for the petitioner.

HARSH BUNGER, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of Certiorari for quashing order dated 20.08.2024 (Annexure P-7) passed by learned Tehsildar-cum-Assistant Collector 1st Grade, Fazilka and order dated 26.03.2025 (Annexure P-9) passed by learned Financial Commissioner (Appeals), Punjab.

2. Briefly, respondents No.3 and 4 herein, filed an application seeking partition of joint land comprised in Khewat No. 44/39 measuring 188 kanals-10 marlas (as per Jamabandi for the year 2019-2020), situated at village Banwala Hanwanta, Tehsil and District Fazilka.

2.1 Concededly, the writ petitioner (Rajvir Kaur) was impleaded as party respondent No.9 in the partition application and she appeared in the partition proceedings and opposed the same, *inter-alia*, on the ground of its



CWP-19664-2025 (O&M)

-2-

maintainability.

2.2 Subsequently, petitioner- Rajvir Kaur filed an application dated 09.07.2024 before the learned Assistant Collector 1st Grade, Fazilka; seeking dismissal of the partition application on the ground that the partition applicants (respondent No.3 and 4 herein) were not the owners of the land; as the land claimed by them to be their ownership, was infact "*surplus land*". The said application was contested by respondent No.3 and 4 herein. Learned Assistant Collector 1st Grade, Fazilka, vide order dated 20.08.2024 (Annexure P-7) dismissed the application submitted by petitioner- Rajvir Kaur, holding that the land owned by respondent no. 3 and 4 herein, does not fall under the "*surplus area*".

2.3 Feeling dis-satisfied with the aforesaid order dated 20.08.2024 (Annexure P-7); petitioner- Rajvir Kaur preferred a revision petition (ROR-939-2024) before the learned Financial Commissioner (Appeals), Punjab; however the same was dismissed vide order dated 26.03.2025 (Annexure P-9).

2.4 In the aforementioned circumstances, the petitioner- Rajvir Kaur has preferred the instant writ petition before this court for seeking relief, as noticed hereinabove.

3. Heard.

4. In the present case, petitioner- Rajvir Kaur had sought dismissal of the partition proceedings on the plea that the partition applicants (respondent No.3 and 4 herein) were not the owners of the land; as the land claimed by them to be their ownership, was infact "*surplus land*". The aforesaid plea of the petitioner was rejected by the learned Assistant Collector 1st Grade, Fazilka, vide order dated 20.08.2024 (Annexure P-7).



CWP-19664-2025 (O&M)

-3-

affirmed by learned Financial Commissioner (Appeals), Punjab; vide order dated 26.03.2025 (Annexure P-9) by observing as under:-

“6. I have heard the arguments advanced by the counsels of both parties and have also perused the record and orders of the lower courts. The petitioners have sought to challenge the decision of the Assistant Collector, 1st Grade Fazilka, dated 20.08.2024, which dismissed their application for dismissal of the partition proceedings. The petitioners have relied on a report dated 16.04.2024 from the Halqa Patwari, alleging that the land in question is part of surplus area owned by the Punjab Government. However, the petitioners have failed to consider the critical fact that the surplus area was reassessed by the Collector Agrarian Fazilka on 30.06.1981. This reassessment led to the release of 33 Kanals 18 Marlas of land from the surplus pool, which was subsequently recorded in the revenue records. The reassessment of the surplus area on 30.06.1981 and after the decision in the appeal resulted in a reduction of the surplus land and the ownership of the land measuring 33 Kanals 18 Marlas was duly transferred from the Punjab Government to the landowner, Ajmer Singh. The legal rights over this land were then reflected in the revenue records and this was further affirmed by Mutation No.960, sanctioned on 26.02.1984. The petitioners failed to produce any valid evidence to dispute this correction in the records. The arguments of the petitioners were based on the incorrect premise that the land in question remains part of the surplus area. The report dated 16.04.2024, relied upon by the petitioners acknowledges the mutation and the revised surplus area but fails to recognize the legal corrections that were made as per the orders dated 30.06.1981 and 26.02.1984. The Assistant Collector, 1st Grade Fazilka, rightly dismissed the application of the petitioners on 20.08.2024, as the land in question is no long part of the surplus area and the respondents, who are the lawful owners of the land have every right to seek partition.

7. Resultantly, the revision petition is dismissed and order



dated 20.08.2024 passed by Tehsildar-cum-Assistant Collector 1st Grade, Fazilka is hereby upheld. Copy of this order be communicated to the courts below. After making compliance file be consigned to the record room.”

4.2 A perusal of the order dated 26.03.2025 (Annexure P-9), especially the above extracted findings would show that the land which was declared “*surplus*”, was re-assessed by the learned Collector (Agrarian), Fazilka vide order dated 30.06.1981, whereby land measuring 33 kanals-18 marlas was released from surplus pool and accordingly, the same was reflected in the revenue records in the name of the land owner, namely Sh. Ajmer Singh. Learned Financial Commissioner (Appeals), has returned a finding that the aforesaid fact stands affirmed by a mutation No.960 sanctioned on 26.02.1984.

4.3 Learned counsel for the petitioner has failed to dislodge the aforesaid factual position.

5. Keeping in view the above, I find no compelling reason to interfere in the impugned orders, resultantly, the instant writ petition fails and the same is accordingly, dismissed.

6. All pending application(s), if any, shall also stand closed.

16.07.2025
Himani

(HARSH BUNGER)
JUDGE

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