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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-19634-2025 (O&M)
Date of Decision: 16.07.2025

Mandar Singh

….Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

….Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Raj Kumar Kakkar, Advocate
for the petitioner.

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HARSH BUNGER, J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of Certiorari for quashing order dated 21.10.2015 (Annexure P-1) passed by learned Tehsildar-cum-Assistant Collector 1st Grade, Malout; order dated 28.07.2016 (Annexure P-2) passed by learned Sub Divisional Magistrate-cum-Colletor, Malout; order dated 12.04.2019 (Annexure P-3) passed by learned Commissioner, Ferozepur Division, Ferozepur and order dated 10.12.2024 (Annexure P-4) passed by learned Financial Commissioner (Appeals) Punjab.

2. Respondent No. 5 – Dharam Singh is stated to have filed an application for partition of joint land measuring 273 Kanals – 2 Marlas (as per *Jamabandi* 2007-08), situated at village Aulakh, Tehsil Malout, District Sri Muktsar Sahib; wherein petitioner- Mandar Singh appeared and contested the same by filing his written statement.

2.1 The learned Assistant Collector 1st Grade, Malout vide order

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dated 21.10.2015 (Annexure P-1) allowed the partition application. An appeal filed by the petitioner was dismissed by the learned Collector vide order dated 28.07.2016 (Annexure P-2) and a further revision filed by petitioner was dismissed by learned Commissioner, Ferozepur, vide order dated 12.04.2019 (Annexure P-3). Thereafter, the petitioner preferred second revision petition before the learned Financial Commissioner, which was also dismissed vide order dated 10.12.2024 (Annexure P-4).

2.2 In the aforementioned circumstances, the present writ petition has been filed before this court for seeking reliefs as noticed herein above.

3. Learned counsel for the petitioner has primarily raised three submissions; firstly that the land already stood partitioned in the year 1967-68 therefore the partition proceedings could not have been proceeded with; secondly, that there was a question of title involved in the matter and thirdly that the land of the petitioner has been reduced during partition proceedings.

4. Heard.

5. As regards the first submission that the land in question already stood partitioned in the year 1967-68 therefore the partition proceedings could not have been proceeded with; it is observed that the learned counsel for the petitioner could not refer to any document in support of such plea nor such fact is forthcoming from the revenue records attached with the instant writ petition as Annexures P-8 to P-14; wherein the land under partition has been reflected a joint. Therefore, there is no merit in this plea raised on behalf of the petitioner and the same is hereby rejected.

5.1 As far as other two submission raised on behalf of the petitioner are concerned that there was a question of title involved in the matter and that the land of the petitioner has been reduced during partition proceedings;

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it is observed that both the aforesaid submissions are inter-connected and the same were duly considered and decided by the learned Assistant Collector vide order dated 21.10.2015 (Annexure P-1) by observing as under:-

> *"2. After the receipt of file, counsels for parties came present for pursuing their case. File was entered in register. After hearing the counsels for the parties, a report in respect of ownership of all co-sharers was sought from the Halqa Patwari. A report was received from the Halqa Patwari and counsel for respondent No.22 was directed to produce the sale deeds/ proof in respect of ownership of Mandar Singh. A detailed wise report got received from the Halqa Patwari that which party sold land more than his share out of the disputed land and which vendee purchased on which date and sale deed. Case was fixed for arguments.*
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> *3. Sh. P.K. Nagpal counsel for respondent No.22 Mandar Singh argued that in Naksha, which was received on 03-7-2012, 1907 share have been given to Mandar Singh etc. and 602 share have been given to Amandeep Singh by the Halqa Kanugo. Total 95 Kanals 7 Marlas of land has been given and in Naksha, which was received on 14.03.2013, 1272 share has been given to Mandar Singh and 531 share has been given to Amandeep Singh and the share of Mandar Singh and Amandeep Singh etc. have been reduced in new Naksha, now 90 Kanals 3 Marlas of land has been given.*
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> *Sh. Ajaib Singh Sandhu counsel for respondent argued that Aala Singh son of Harbans Singh sold land to different persons vide sale deeds bearing Wasika No.2483/18-6-1963, 3587/20-9-1972, 5452/6-2-1973, 5453/8-2-1977, 1712/31-1-1974, 2574/4-2-1978, 281/3-5-1977 respectively. Aala Singh had sold land more than his share in the last sale deed bearing Wasika No.281, dated 03-5-1977 to the father of Mandar Singh namely Surjit Singh son of Partap Singh. Therefore, as per para No.9 of mode of partition issued on 16-4-2012, if any owner alienate land more than his share in any manner, by sale,*

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mortgage, transfer etc., then its effect will be on the last vendee / mortgagee. Thus, Mandar Singh son of Surjit Singh is the last vendee and his land has been decreased in Naksha Bay / Zeem dated 28-3-2013."

6. Learned counsel for the petitioner could not dispute the above extracted factual position by referring to any material whatsoever. Apparently, petitioner had acquired land from his father-Surjit Singh, who in turn had purchased land from one Sh. Alla Singh. It has been found as a matter of fact that Sh. Alla Singh had sold land to the father of the petitioner namely Sh. Surjit Singh, more than his share in the joint land and as per clause 9 of the sanctioned Mode of partition dated 16.04.2012, if any owner had sold land more than his share then its effect would be on the last vendee, which in the instant case was petitioner through his predecessor-in-interest; accordingly his land stood decreased.

6.1 I find no infirmity in the aforesaid findings returned by the learned Assistant Collector in order dated 21.10.2015 (Annexure P-1), which has been further affirmed by the Appellate / revisional authorities.

6.2 That apart, learned counsel for the petitioner has failed to show as to what prejudice has been caused to the petitioner by the manner in which the final partition has been carried out.

7. No other point has been raised.

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

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

16.07.2025 **(HARSH BUNGER)**
Himani **JUDGE**

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

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