

126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20391-2025 (O/M)
Date of decision : 17.09.2025

Bijender Singh Petitioner

Versus

Commissioner, Rohtak Division, Rohtak and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Amit Shoeran, Advocate
for applicant-petitioner.

Ms. Upasana Dhawan, AAG Haryana.

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HARSH BUNGER, J. (ORAL)

CM-13792-CWP-2025

1. This is an application filed under Section 151 CPC for placing on record Naksha 'Ka' as Annexure P-17.
2. For the reasons mentioned in application, same is allowed and Naksha 'Ka' (Annexure P-17) is taken on record subject to all just exceptions.
3. Application is accordingly disposed of.

CWP-20391-2025 (O/M)

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 the order dated 27.01.2023 (Annexure P-14), whereby sanad takseem was issued by learned Assistant Collector 1st Grade, Rohtak and order dated 28.05.2025 (Annexure P-15),

passed by learned Commissioner, Rohtak Division, Rohtak (in short 'Divisional Commissioner').

2. Briefly, one Shri Jaipal son of Shri Dariyao Singh (respondent No. 2 herein) filed an application seeking partition of joint land, measuring 134 Kanal – 17 Marla (as per jamabandi 2015-16), situated at village Bhagwatipur, Tehsil and District Rohtak.

2.1 It appears that in the aforesaid partition proceedings, petitioner was proceeded against ex-parte, vide order dated 06.08.2018. In the partition proceedings, Naksha 'Ka' was approved and thereafter, mode of partition was prepared and objections thereto were called.

2.2 It appears that mode of partition came to be approved on 08.01.2021 and same was forwarded to field staff for preparation of Naksha 'Kha'.

2.3 On 10.06.2022, Naksha 'Kha' was received on file and objections thereto were called. It is stated that although some of respondents sought more time to submit objections on Naksha 'Kha', however, their request was rejected by Assistant Collector and Naksha 'Kha' was approved, which was followed by approval of Naksha 'Ga' and ultimately, partition proceedings concluded with the drawing of sanad takseem on 27.01.2023 (Annexure P-14).

2.4 Petitioner states that after learning about the partition proceedings, he preferred a revision petition before learned Divisional Commissioner, however, same has been dismissed, vide impugned order dated 28.05.2025 (Annexure P-15).

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

4. Heard.

5. The only argument raised by learned counsel for petitioner before this Court is that he has been given frontage on the main road only to the extent of 26 karms and balance area of the petitioner has been given in two small pockets [as shown in red colour in Aks Shajra, attached to Naksha 'Kha' (Annexure P-13), as available at page-40 of the writ petition].

6. I have considered the aforesaid contention raised on behalf of petitioner, however, I find no merit in the same.

7. It is well established that partition can never be carried out with mathematical precision and some adjustments are always required to be made considering various factors like number of co-sharers in the joint land, shape of the land parcel under partition, location of land (whether abutting the road/passage or near to village abadi or town etc.), nature/value of land, source of irrigation, existing possession of the parties, provisioning of passage(s)/water-course(s), construction of hutments/houses etc. There may be other factors as well which may call for carving out of blocks of respective co-sharers, in a particular manner.

8. A bare perusal of site plan/aks shajra (as available at page-40 of the writ petition) would show that the land under partition has frontage on the main road to the extent of about 104 karams, out of which 26 karams frontage has been given to the petitioner and other areas have been allocated to other co-sharers and even a passage has been carved out

from the main road for going towards the partitioned land. All co-sharers have been allocated land in pockets primarily considering the shape and location of the land under partition. Since land falling towards road was considered to be slightly more valuable than the land falling away from the main road and the petitioner having been allotted land with frontage on the main road, no fault can be found with the manner in which land has been allocated to respective co-sharers. Rather, in my considered view, the petitioner has been allocated most preferential area considering the fact that some of land pockets are also bifurcated by the provisioning of watercourse within the land under partition.

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

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

(HARSH BUNGER)
JUDGE

17.09.2025

sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No