

2025:PHHC:096826



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

**CWP-21766-2025
Date of Decision: 31.07.2025**

Devender Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Balkar Singh, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, for issuance of a writ in the nature of Certiorari for setting aside order dated 20.08.2024 (Annexure P-2) passed by the learned Assistant Collector, 2nd Grade, Charkhi Dadri; order dated 20.11.2024 (Annexure P-3) passed by the learned Collector, Charkhi Dadri; order dated 09.06.2025 (Annexure P-5) passed by the learned Divisional Commissioner, Rohtak; *Sanad Takseem* dated 10.01.2025 issued by the learned Assistant Collector, 2nd Grade, Charkhi Dadri; and order/possession letter dated 20.06.2025 (Annexure P-7) issued by the learned Halka Kanungo, Dadri, Tehsil and District Charkhi Dadri.

2. Briefly, respondent No.7 – Surender filed an application seeking partition of joint land measuring 20 Kanal 18 Marla, comprised in Khewat

No. 325//306 (as per Jamabandi for the year 2019–20), situated at Village Dadri, Tehsil and District Charkhi Dadri.

2.1 In the said partition proceedings, *Naksha 'Kha'* was approved vide order dated 20.08.2024 (Annexure P-2) passed by the learned Assistant Collector, 2nd Grade, Charkhi Dadri. It is stated that at the relevant time, the petitioner's father, namely Sh. Ram Kumar, was alive and, being a party to the proceedings, he had made several requests to the revenue authorities for accepting his objections. However, his objections were not accepted. Consequently, he preferred an appeal before the learned Collector, Charkhi Dadri, which was dismissed vide order dated 20.11.2024 (Annexure P-3).

2.2 Feeling aggrieved against the said order dated 20.11.2024 (Annexure P-3), petitioner's father preferred an appeal before the learned Divisional Commissioner, Rohtak, which was also dismissed vide order dated 09.06.2025 (Annexure P-5).

2.3 It transpires that in the meanwhile, the learned Assistant Collector, 2nd Grade, Charkhi Dadri issued *Sanad Takseem* (Instrument of Partition) dated 10.01.2025 (Annexure P-6), and subsequently, partition proceedings were initiated vide letter/order dated 20.06.2025 (Annexure P-7).

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

4. Heard.

5. It is apparent from the record that the petitioner's father (Late Sh. Ram Kumar), had appeared in the partition proceedings and at the stage when *Naksha 'Kha'* was proposed and objections were invited from the co-sharers, no objections were submitted by the petitioner's father.

Consequently, *Naksha 'Kha'* was approved by the learned Assistant Collector, 2nd Grade, Charkhi Dadri vide order dated 20.08.2024 (Annexure P-2). Further, the appeal and revision preferred by the petitioner's father were also dismissed by the competent authorities.

6. A perusal of order dated 09.06.2025 (Annexure P-5) passed by the learned Divisional Commissioner, Rohtak, indicates that almost two months' time was granted for filing objections. However, since no objections were received during that time, the proposed *Naksha 'Kha'* came to be approved. Although, learned counsel for the petitioner has contended before this Court that various requests were made to the Assistant Collector to accept the objections but the grounds raised before the revenue authorities below indicate that the objections were not accepted due to an ongoing strike and the death of the Reader's brother.

7. The aforesaid stand of the petitioner is contradictory and without any basis.

8. That apart, the learned Collector, Charkhi Dadri as well as the learned Divisional Commissioner, Rohtak have recorded findings of fact that the land has been allotted to the co-sharers at two locations and alongside the road, as per their respective shares.

9. On being specifically queried as to what prejudice has been caused to the petitioner due to the manner in which the partition has been carried out or by allocation of land to respective co-sharers; no response was forthcoming. It is not the petitioner's case that he has not been allotted land as per his due entitlement or that the petitioner has not been granted frontage on the road/passage.

9.1 I have also seen the shares allocated to respective co-sharers in the final partition/*Sanad Takseem* (vernacular of Annexure P-6 at page

No.68) and compared the same with the site plan (placed at page No.79), which indicates position emanating from *Sanad Takseem*, and upon perusal thereof, I am of the view that the partition has been carried out in a fair and equitable manner, especially considering the location of land.

10. In view of the aforesaid facts and circumstances, I find no compelling reason to interfere in the impugned orders and the writ petition is accordingly dismissed.

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

31.07.2025
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No