



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

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CWP-24177-2025

Date of Decision: 27.08.2025

OM PRAKASH DECEASED THROUGH LEGAL HEIRS**.....PETITIONERS****Vs.****COMMISSIONER GURUGRAM DIVISION AND OTHERS****.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. Amit Jain, Sr. Advocate with
Mr. Anupam Mathur, Advocate
for the petitioner.

HARSH BUNGER, J. (ORAL)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari for setting aside the impugned order dated 15.12.2023 (Annexure P-6) whereby Sanad Takseem has been issued by the learned Assistant Collector, Ist Grade, Sohna.

1.1 A further prayer has been made for setting aside the order dated 22.05.2025 (Annexure P-8) passed by learned Commissioner, Gurugram Division, Gurugram.

2. Briefly, respondent Nos. 3 and 4 herein sought partition of joint land comprised in Khewat Nos. 344, 682, 683, 818 and 822 situated at Village Sanchauli, Tehsil Sohna, District Gurugram (as per the jamabandi for the year 2021-22). It has not been disputed that in the aforesaid partition proceedings, predecessor-in-interest of the petitioner namely Sh.Om Prakash was impleaded



as respondent No.10 and subsequently the petitioners were brought on record as legal heirs of deceased Sh. Om Prakash.

2.1 Evidently, the petitioners appeared in the aforesaid partition proceedings wherein mode of partition came to be approved on 03.11.2023 and thereafter the “Naksha Bey” was called from the field staff. Upon receipt of “Naksha Bey”, objections thereto were called from the respective co-sharers. It appears that “Naksha Bey” came to be approved by the learned Assistant Collector, Ist Garde, Sohna, which was followed by approval of Naksha Zeem and the partition proceedings culminated with the drawing of sanad takseem (instrument of partition) on 15.12.2023 (Annexure P-6).

2.2 The petitioners challenged the partition proceedings/sanad takseem by filing a revision before the learned Commissioner, Gurugram Division, Gurugram; however the same was dismissed vide impugned order dated 25.05.2025 (Annexure P-8).

3. In view of the aforesaid circumstances, the petitioner has filed the present writ petition before this Court for the relief(s) as noticed hereinabove.

4. Learned Senior counsel appearing for the petitioners submits that in the final partition, some area which already stood acquired in the year 2013 has also been added i.e. land comprised in rectangle No.7 Killa No.25/2 min (0-5) and rectangle No.8 Killa No. 21/2 min (1-12) and that in the final partition land has been allocated in two fragments.

5. Heard.

6. During course of hearing of the present petition, a specific query was raised to Senior counsel for the petitioners as to whether the petitioners had submitted any objections to the proposed “Naksha Bey” before the learned Assistant Collector.



6.1 In response to the aforesaid query, learned Senior Advocate has very fairly stated that no objections to the proposed “Naksha Bey” were submitted by the petitioners.

7. Admittedly, since no objections were raised by the petitioners to the proposed “Naksha Bey”, the same was approved by the Assistant Collector which was followed by the sanctioning of Naksha Zeem and thereafter instrument of partition (Sanad Takseem) was issued. It needs no retieration that once parties to the partition proceedings, had the opportunity to raise objections to the proposed “Naksha Bey” and having failed to submit such objections by availing the opportunity available to them, then after the conclusion of partition proceedings with the drawing of the sanand takseem; they cannot be permitted to turn around and seek re-opening of the partition proceedings by finding fault with the allocation of shares of land to the respective co-sharers or that the petitioners has been allocated land in fragments. Moreover, it is not the case of petitioners that they have not been allocated their due entitlement.

7.1. As regards the contention raised by learned Senior counsel for the petitioners that some area i.e. Killa No.7//25/2 (0-5) and Killa No.8//21/2 (1-12) was acquired way back in 2013; it is observed that the partition was sought on the basis of entries in Jamabandi for the year 2021-22 wherein area of Killa No.7//25/2 is recorded as 7 kanal 3 marla and area of Killa no.8//21/2 is recorded as 5 kanal 13 marla and it is the area recorded in the revenue records which had been subjected to partition. There is nothing on record to show that the acquired area was also subjected to partition. Accordingly, aforesaid plea on behalf of the petitioners is rejected.

8. No other point has been raised.



9. In view of the above, I do not find any merit in the present petition and the same is accordingly dismissed.
10. All the pending application(s), if any, shall also stand closed.

27.08.2025			(HARSH BUNGER)
pry	Whether speaking/reasoned	:	JUDGE Yes/No
	Whether reportable	:	Yes/No