

2025.PHHC.158565



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

CWP-26038-2025

Date of Decision: 17.11.2025

Sarup Singh @ Saroop Singh

..... Petitioner

Versus

Divisional Commissioner, Karnal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vijay Deep Rathee, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for setting aside order dated 20.07.2023 (Annexure P-7) passed by the learned Assistant Collector, IInd Grade, Israna, whereby the *Naksha 'Kha'* was approved in the partition proceedings; order dated 10.08.2023 (Annexure P-8) passed by the learned Assistant Collector, IInd Grade, Israna, whereby the *Naksha Zeem* was approved; *Sanad Takseem* dated 05.09.2023 (Annexure P-10) issued by the learned Assistant Collector, IInd Grade, Israna; and order dated 24.04.2025 (Annexure P-11) passed by the learned Divisional Commissioner, Karnal.

2. Briefly, respondents No.3 and 4 herein filed an application

seeking partition of the joint land measuring 38 Bigha-14 Biswa comprised in Khewat No.26//22 (as per Jamabandi for the year 2014-15), situated in Village Didwari, Tehsil Israna, District Panipat.

2.1 It appears that the petitioners herein participated in the aforesaid partition proceedings and raised a plea that the land in question had already been partitioned way back in the year 1982 pursuant to a compromise effected between the parties, whereupon all the co-sharers had taken possession of their respective shares and had even constructed houses thereon.

2.2 In the aforesaid partition proceedings, the learned Assistant Collector, Ist Class, Israna, approved the mode of partition vide order dated 07.02.2023 (Annexure P-3).

2.3 It transpires that during pendency of the aforesaid partition proceedings, the petitioners filed an application dated 14.06.2023 (Annexure P-4), praying that the partition proceedings conducted in the year 1982 be re-opened and that *Sanad Takseem* be issued, as the instant partition proceedings would disturb the settled position. The said application was opposed by respondent No. 3 by filing a reply dated 20.07.2023 (Annexure P-6). Thereafter, the learned Assistant Collector, 2nd Grade, Israna, vide order dated 20.07.2023 (Annexure P-7), rejected the prayer of the petitioners for re-opening the proceedings pertaining to the earlier partition and, by the same order, approved *Naksha 'Kha'*. Consequently, *Naksha Zeem* (or *Naksha 'Ga'*) was called for from the field staff. Upon receipt thereof on the case file, the same was approved by the learned Assistant Collector, 2nd Grade, Israna, vide order dated 10.08.2023 (Annexure P-8).

2.4 Feeling aggrieved by the aforesaid order dated 10.08.2023

(Annexure P-8), the petitioners preferred a revision petition before the learned Divisional Commissioner, Karnal. During the pendency of the said revision, the learned Assistant Collector, 2nd Grade, Israna, issued *Sanad Takseem* dated 05.09.2023 (Annexure P-10). Thereafter, the learned Divisional Commissioner, Karnal, vide order dated 24.04.2025 (Annexure P-11), dismissed the revision petition filed by the petitioners.

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

4. Heard.

5. The sole contention raised by learned counsel for the petitioners is that the land in question already stood partitioned among the co-sharers way back in the year 1982, and therefore, the present partition proceedings are bad in the eyes of law.

6. During the course of hearing, the following two queries were put to learned counsel for the petitioners:-

(i) whether any *Sanad Takseem* had been prepared pursuant to the earlier partition; and

(ii) what is the status of the land under partition as reflected in the Jamabandi for the year 2014-15, on the basis of which the present partition proceedings were initiated.

7. In response to the aforesaid queries, learned counsel for the petitioners has very fairly conceded that in the earlier partition proceedings conducted in the year 1982, no *Sanad Takseem* was prepared and that as per the Jamabandi for the year 2014-15, the land under partition continues to be recorded as joint among the co-sharers.

8. Keeping in view the aforesaid stand taken by learned counsel for the petitioners, it leaves no manner of doubt that the earlier partition

proceedings claimed to have been conducted in the year 1982 were never concluded with the drawing of a *Sanad Takseem*, as no such *Sanad Takseem* was prepared at any point of time. Further, the land continued to be recorded as 'joint' in the subsequent revenue records as well.

9. In the aforesaid circumstances, it can easily be concluded that the co-owners in the earlier partition proceedings had abandoned their claim with respect to the partition of the land and had acquiesced in the joint ownership thereof, which continued to be reflected as such in all the revenue records right from the year 1982 onwards till 2014-15, on the basis of which the present partition proceedings were initiated. Once the earlier partition proceedings were not concluded with the drawing of *Sanad Takseem* and the land continued to be joint, respondents No.3 and 4 were well within their rights to seek partition of the land in question. Therefore, the aforesaid contention of the petitioners that the present partition proceedings are bad on account of the earlier partition proceedings conducted in the year 1982 is hereby rejected.

10. Learned counsel for the petitioner has failed to point out as to what prejudice has been caused to the petitioner by the manner in which the land has been partitioned among the respective co-sharers.

10.1 At this stage, learned counsel for the petitioners has sought to rely upon the judgments rendered in ***“Sahib Singh (Deceased) Through LR. Vs. The Financial Commissioner, Haryana”, 2001(3) RCR (Civil) 846; “Jhabbar Singh (Deceased) Through LR. and others Vs. Jagtar Singh”, 2023 AIR (SC); and “Surender Vs. State of Haryana and others”, 2024 NCPHHC 144246.***

11. I have considered the said judgments; however, with all due respect, it is observed that the factual situation in those cases is entirely

different and, therefore, the same are not applicable to the facts of the present case and are clearly distinguishable.

12. Keeping in view the above discussion, I find no merit in this writ petition. Resultantly, the instant writ petition fails and the same is, accordingly, dismissed.

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

17.11.2025

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No