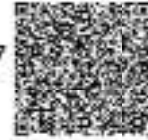


2025.PHHC:013927



111

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

CWP-26511-2023

Date of Decision: 23.01.2025

Nirmal Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Ms. Anju Bansal, Advocate
for the petitioner.

Mr. Navneet Singh, Senior DAG, Punjab.

HARSH BUNGER J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of Certiorari to set aside orders dated 22.01.2016 (Annexure P-7) and 29.01.2016 (Annexure P-9) passed by the learned Assistant Collector, 1st Grade, Rajpura; order dated 14.06.2016 (Annexure P-11) passed by the learned Collector, Sub Division Rajpura; order dated 30.05.2018 (Annexure P-13) passed by the learned Divisional Commissioner, Patiala; and order dated 19.05.2023 (Annexure P-15) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, respondents No.2 to 5 filed an application seeking

partition of joint land measuring 27 Bigha-4 Biswa, comprised in Khewat No.40/37, situated at Village Kutha Kheri, Tehsil Rajpura, District Patiala.

2.1 In the said partition proceedings, the Mode of Partition was prepared on 20.11.2015 and thereafter, *Naksha Bey* was called from the field staff. Upon receipt of *Naksha Bey*, the objections thereto were called from the parties, whereupon, petitioner herein submitted his objections (Annexure P-3). Ultimately, *Naksha Bey* came to be approved vide order dated 22.01.2016 (Annexure P-7) and *Naksha Jeem* was called from the field staff, which was approved vide order dated 29.01.2016 (Annexure P-9).

2.2 Feeling aggrieved against the aforesaid orders dated 22.01.2016 (Annexure P-7) and 29.01.2016 (Annexure P-9), petitioner filed an appeal before the learned Collector, Sub Division Rajpura, which was dismissed vide order dated 14.06.2016 (Annexure P-11).

2.3 Petitioner challenged the aforesaid order dated 14.06.2016 (Annexure P-11) by way of filing an appeal before the learned Divisional Commissioner, Patiala, however, the same was also dismissed vide order dated 30.05.2018 (Annexure P-13).

2.4 Thereafter, petitioner preferred a revision petition (ROR No.706 of 2018) before the learned Financial Commissioner (Appeals), Punjab, which was disposed of vide order dated 07.12.2018 (Annexure P-14) with a direction to the learned Assistant Collector, Ist Grade, Rajpura to decide the objections filed by the petitioner, especially with regard to his possession over Khasra No.263/1, which is abutting the main road, and to further proceed in the partition case.

2.5 It appears that the aforesaid order dated 07.12.2018 (Annexure P-14) came to be challenged before this Court by way of filing writ petition bearing CWP No.34397 of 2019, which came to be decided

vide order dated 10.02.2023 passed by this Court, whereby the learned Financial Commissioner (Appeals), Punjab was directed to decide the matter afresh. Accordingly, the matter was again put up before the learned Financial Commissioner (Appeals), Punjab, who, vide its order dated 19.05.2023 (Annexure P-15) dismissed the revision petition (ROR No.706 of 2018) filed by the petitioner.

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

4. During arguments, learned counsel for the petitioner has raised objection only regarding the block of land comprised in Khasra Nos.263 and 264, as shown in the site plan (Annexure P-8). It is contended that while partitioning the said block of land, petitioner has been allocated land comprised in Khasra No.263/1, whereas, respondent No.2 (Karnail Singh) has been allocated the land comprised in Killa No.263/3, which is more valuable as two sides of Khasra No.263/3 falls on the passage, whereas, the land allocated to petitioner in Khasra No.263/1 is triangular in shape and it touches the passage only on one side.

5. Heard.

6. In matters relating to partition, one has to see allocation of lands to co-sharers as a whole and not block-wise; so as to see that partition is fair, just and equitable. In the instant case, the petitioner has been allocated land comprised in Khasra Nos.19/3 and 263/1, as shown in pink colour in the site plan (Annexure P-8). If we look at the location of Khasra No.19/3, it would be evident that two sides of this area falls on the passage and the petitioner has not raised any dispute as regards the allocation of Khasra No.19/3 is concerned, for obvious reason that it touches the passage on two sides.

However, when it comes to the allocation of land comprised in Khasra

No.263/1 (shown in pink colour) to the petitioner, which also falls on the passage, it is contended by him that the land comprised in Killa No.263/3 (shown in orange colour), which has fallen to the share of respondent No.2, is more valuable as two sides of this area touch the passage. Although, the petitioner has failed to refer to any material on record to indicate that the land under partition is of different valuation; even then, if we look at the site plan (Annexure P-8), it would be evident that the petitioner has been allocated land in Khasra No.19/3, which touches passage on two sides, and Khasra No.263/1. In no manner it can be said that the petitioner has been allocated less valuable land.

7. In my considered view, the manner in which the partition has been carried out is just, fair and equitable and does not call for any interference by this Court.

8. Accordingly, finding no merit in the present writ petition, the same is dismissed.

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

23.01.2025*Apurva***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No