

2025.PHHC.172833



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

CWP-29104-2025 (O&M)
Date of Decision: 10.12.2025

Satbir and others

..... Petitioners

Versus

Commissioner, Rohtak Division and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sandeep Parkash Chahar, Advocate for the petitioners.

Ms. Upasana Dhawan, AAG, Haryana.

HARSH BUNGER J. (ORAL)

CM-18537-CWP-2025:

Prayer in the present application is for placing on record the coloured Site Plan/*Naksha* '*Kh*' dated 10.10.2023 (Annexure P-17).

For the reasons mentioned in the application, the coloured Site Plan/*Naksha* '*Kh*' dated 10.10.2023 (Annexure P-17) is taken on record, subject to all just exceptions.

Application is accordingly disposed of.

CWP-29104-2025:

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for setting aside order dated 30.11.2018 (Annexure P-3) passed by the learned Assistant Collector, Ist Grade, Meham, as well as orders dated 01.05.2024 (Annexure P-12), 26.12.2024 (Annexure P-15) and *Sanad Takseem* dated 26.12.2024 (Annexure P-14) passed/issued by the learned Assistant Collector, IInd Grade, Meham.

1.1 A further prayer has been made for setting aside order dated 08.11.2024 (Annexure P-13) passed by the learned Collector, Sub Division Meham, District Rohtak, and order dated 14.05.2025 (Annexure P-16) passed by the learned Divisional Commissioner, Rohtak.

2. Briefly, respondents No.4 and 5 herein sought partition of the joint land comprised in Khewat No.672//572 (94 Kanal-15 Marla) and Khewat No.671//572 (6 Kanal-11 Marla), as per Jamabandi for the year 2010-11, situated in Village Madina Korsan, Tehsil Meham, District Rohtak.

2.1 In the aforesaid partition proceedings, petitioner No.3 – Sh. Karambir son of Sh. Bani Singh was served, however, it appears that on account of non-appearance of petitioner No.3 and other petitioners, they were proceeded against *ex parte* vide order dated 30.11.2018 (Annexure P-3). The Mode of Partition (Annexure P-5) was prepared on 18.02.2019 and was approved on 01.04.2019. Thereafter, the *Naksha 'Kha'* was called from the field staff. Upon receipt of the *Naksha 'Kha'* on the file, objections thereto were called from the respective parties.

2.2 As per the petitioners' own pleadings, petitioners No.1 and 2 filed objections to *Naksha 'Kha'*, which were decided by the learned Assistant Collector vide order dated 25.02.2022 (Annexure P-9), directing the preparation of an amended *Naksha 'Kha'*. The amended *Naksha 'Kha'* was subsequently prepared on 10.10.2023, whereupon petitioners No.1 and 2 again submitted their objections, however, the same were dismissed by the learned Assistant Collector, IInd Grade, Meham, vide order dated 01.05.2024 (Annexure P-12), and the amended *Naksha 'Kha'* was approved. Thereafter, *Naksha 'Ga'* was also approved on the basis of the amended *Naksha 'Kha'*.

2.3 It transpires that the petitioners challenged the order dated

01.05.2024 (Annexure P-12), whereby their objections to the amended *Naksha 'Kha'* were dismissed, by filing an appeal before the learned Collector, Sub-Division Meham; however, the same was dismissed vide order dated 08.11.2024 (Annexure P-13).

2.4 Subsequently, the learned Assistant Collector passed the final order of partition dated 26.12.2024 (Annexure P-15) and issued the *Sanad Takseem* (Annexure P-14).

2.5 Thereafter, the petitioners filed a revision petition before the learned Divisional Commissioner, Rohtak, challenging the partition proceedings and the *Sanad Takseem*, which was also dismissed vide order dated 14.05.2025 (Annexure P-16).

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

4. Learned counsel for the petitioners submits that the learned Assistant Collector, IInd Grade, Meham, has erred in law and fact in conducting the partition proceedings. It is submitted that the learned Assistant Collector did not issue any notice for the hearings held after 24.09.2018, thereby denying an opportunity of hearing to petitioner No.3. It is further submitted that the partition proceedings are otherwise liable to be set aside, as they are contrary to the Mode of Partition, which specifically provided that the partition would be conducted while maintaining the possession of the parties; whereas, in the final partition, the possession of the petitioners has been disturbed.

4.1 With the aforesaid submissions, learned counsel for the petitioners has prayed for setting aside the partition proceedings/*Sanad Takseem*.

5. Heard.

6. From a bare perusal of the afore-stated facts, it is apparent that the petitioners were duly served in the partition proceedings. Petitioners No.1 and 2 also submitted their objections to *Naksha 'Kha'*, which were duly considered and rejected. On the basis of the approved *Naksha 'Kha'*, *Naksha 'Ga'* was prepared, and the partition proceedings were concluded with the drawing of the Sanad Takseem. Therefore, there is no merit in the submission of learned counsel for the petitioners that petitioner No.3 was denied an opportunity of hearing, more so when petitioners No.1 and 2 had duly submitted their objections to *Naksha 'Kha'*. It is not disputed that all the petitioners are real brothers and are stated to be residing at the same address (as per the Memorandum of Parties).

7. As regards the second contention raised by learned counsel for the petitioners that the possession of petitioners has been wrongly disturbed, suffice it to say that the petitioners have not placed on record any document (*Jamabandi/Khasra Girdawari*) to demonstrate their possession over any particular khasra number. In the absence of such evidence, the said contention of learned counsel for the petitioner is also rejected.

8. That apart, learned counsel for the petitioners has also failed to point out as to what prejudice has been caused to the petitioners by the manner in which the partition has been carried out.

9. 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.

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

10.12.2025

Apurva

(HARSH BUNGER)

JUDGE

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