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

**CWP-32552-2024 (O&M)
Date of Decision: 27.01.2025**

Vijender @ Bijender and others

....Petitioners

Versus

The Commissioner, Rohtak Division and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Ms. Tanya Vashist, Advocate and
Mr. S.S. Nain, Advocate
for the petitioners.

Ms. Upasana Dhawan, AAG, Haryana.

HARSH BUNGER, J. (Oral)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of Certiorari for setting aside order dated 22.03.2023 (Annexure P-2) passed by the Assistant Collector 1st Grade, Khanpur Kalan, District Sonipat, whereby the petitioners were proceeded against *ex parte* in the partition proceedings.

A further prayer has been made for setting aside order dated 08.04.2024 (Annexure P-6) whereby, *Naksha 'Kha'* was sanctioned, order dated 29.05.2024 (Annexure P-8) whereby, *Sanad Taksim* (instrument of partition) has been issued and also order dated 19.09.2024 (Annexure P-12) whereby, the revision petition filed by the petitioners challenging the partition proceedings has been dismissed by the learned Commissioner, Rohtak Division, Rohtak.



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2. Briefly, respondent No.3 (Jagbir) filed an application seeking partition of joint land comprised in Khewat No.452//421, measuring 81 kanals 19 marlas, situated at Village Busana, Tehsil Gohana, District Sonipat.

2.1 It appears that in the aforesaid partition proceedings, the petitioners were proceeded against ex parte vide order dated 22.03.2023 (Annexure P-2), passed by the Assistant Collector 1st Grade, Khanpur Kalan.

2.2 In the partition proceedings, mode of partition was prepared on 11.12.2023 (Annexure P-4) whereupon, *Naksha 'Kha'* was called from the field staff.

2.3 The *Naksha 'Kha'* was approved vide order dated 08.04.2024 (Annexure P-6) and thereafter, *Naksha 'Ga'* was approved vide order dated 13.05.2024 (Annexure P-7) and ultimately the *Sanad Taksim* (instrument of partition) was issued on 29.05.2024 (Annexure P-8).

3. The petitioners challenged the aforesaid partition proceedings by filing a revision petition before the learned Commissioner, Rohtak Division, Rohtak, however, the same has been dismissed vide order dated 19.09.2024 (Annexure P-12).

4. In the aforementioned circumstances, the petitioners have filed the instant Writ Petition before this Court.

5. Heard.

6. The only argument raised by learned counsel for the petitioners is that while carrying out the partition, the possession of the petitioners has been disturbed from the land comprised in Killa No.94//20/1 and therefore, the final partition is contrary to the sanctioned mode of partition which provided that partition would be carried out by keeping the possession intact.

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7. I have considered the aforesaid submissions raised by learned counsel for the petitioners, however, I find no merit in the same as the petitioners have failed to refer to any material whatsoever to indicate that Killa No.94//20/1 was in possession of the petitioners.

8. In the absence of any evidence to indicate that the petitioners were in exclusive possession of land comprised in Killa No.94//20/1, the aforesaid contention raised by learned counsel for the petitioners is liable to be rejected.

9. That apart, a perusal of the site plan (Annexure P-10) would show that the land under partition is situated at three separate places in three separate parcels of land and only the share of respondent No.3 (Jagbir) has been separated, which is shown in blue color and rest of the land has been kept joint. It is noticed from the site plan (Annexure P-10) that respondent No.3 (Jagbir) has a very small land holding and the manner in which the final partition has been carried out appears to be fair, just and equitable.

10. Considering the totality of circumstances, I do not find any merit in the present Writ Petition and the same is accordingly dismissed.

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

27.01.2025*Himani***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No