



CWP-32086-2025 (O&M)

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

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CWP-32086-2025 (O&M)

Date of decision: 19.12.2025

Mahipal and others

....Petitioners

Vs.

**Commissioner, Gurugram Division, Gurugram
and others**

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Amit Jain, Advocate
for the petitioners.

Ms. Upasana Dhawan, AAG, Haryana.

HARSH BUNGER J. (Oral)

1 Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari, for setting aside the order dated 09.06.2022 (Annexure P-29) passed by learned Assistant Collector 2nd Grade, Wazirabad, whereby, objections filed by petitioners to Naksha *Bey* in the partition proceedings were dismissed.

1.1 A further prayer has been made for setting aside the order dated 27.12.2022 (Annexure P-32) passed by learned Collector, Badshahpur and order dated 11.07.2025 (Annexure P-34) passed by learned Commissioner, Gurugram Division, Gurugram, whereby an appeal and revision preferred by

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the petitioners against the order dated 09.06.2022 (Annexure P-29) have been dismissed respectively.

2. Briefly, in October, 2018; respondents No.5 to 9 herein sought partition of joint land measuring 18 kanals - 17 marlas, comprised in Khewat No.64, situated at village Kadarapur, Tehsil Wazirabad, District Gurugram (as per jamabandi for the year 2005-06).

2.1 A perusal of the partition application would show that the same was filed against Smt. Sarmesh, Smt. Saroj, Smt. Sunita and Sh. Satpal. It is stated that the above-referred persons Smt. Sarmesh etc., appeared in the partition proceedings and filed their reply raising a preliminary objection that the partition application was not maintainable on account of non-joinder of necessary party as certain other persons who had purchased some area/share out of land under partition had not been impleaded. Subsequently, it appears that Naksha 'Ka' was prepared but the same was not found to be in order; accordingly an amended Naksha 'Ka' was called.

2.2 Upon receipt of amended Naksha 'Ka' (Annexure P-16), the partition proceedings proceeded further and on 30.08.2019, mode of partition came to be proposed, which was subsequently sanctioned by the learned Assistant Collector vide order dated 02.09.2019 (Annexure P-17). It appears that during the pendency of the aforesaid partition proceedings, the above-referred Smt. Sunita, Smt. Sarmesh and Smt. Saroj transferred their shares vide various mutations (Annexures P-18 to P-23).



3. It is averred in para No.13 of the writ petition that on 22.10.2021, the present petitioners filed an application seeking impleadment in the partition proceedings. The petitioners also filed objections (Annexure P-26) to Naksha *Bey*. It appears that the aforesaid application for impleadment as well as the objections to Naksha *Bey* were considered and rejected by learned Assistant Collector vide order dated 09.06.2022 (Annexure P-29).

4. Feeling aggrieved against the aforesaid order dated 09.06.2022 (Annexure P-29), the petitioners preferred an appeal before the learned Collector, Badshahpur, which came to be dismissed vide order dated 27.12.2022 (Annexure P-32).

5. Still dissatisfied, petitioners preferred a revision petition before the learned Commissioner, Gurugram Division, Gurugram, which has also been dismissed vide order dated 11.07.2025 (Annexure P-34).

6. In view of the aforementioned circumstances, present petition has been filed before this Court, for seeking relief(s) as noted hereinabove.

7. Learned counsel for the petitioners submits that the respondents No.5 to 9 herein (who filed the partition application) have not been recorded as the co-owner in the Jamabandi for the year 2005-06, therefore, no partition application was maintainable at their instance. It is submitted that during the pendency of the partition proceedings, an amended Naksha '*Ka*' was called for, therefore, no opportunity of hearing to raise objection to the same was provided to the petitioner. It is next submitted that the partition

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proceedings have been carried out in violation of the provisions contained in the Haryana Land Records Manual, 2013. It is still further contended the entire partition proceedings have been conducted in a haste and totally illegal manner and are liable to be set aside.

8. I have heard the learned counsel for the petitioners and perused the paperbook with their able assistance.

9. As far as the first contention raised on behalf of the petitioners that the partition applicants i.e. respondents No.5 to 9 herein, have not been recorded as the co-owners in the jamabandi for the year 2005-06; it is observed from the mutations (Annexure P-4 to P-11), that respondents No.5 to 9 herein, had purchased land from the other co-sharers in the joint khewat. It need no reiteration that partition application is filed on the basis of the current jamabandi (as existing on the date when the partition application was filed). It is also well established that all the persons, who were recorded as co-sharers in the ownership column of the jamabandi as well as the persons who have acquired title in the joint land by virtue of various sale deeds etc., and are duly reflected in the “remarks” column of the jamabandi by way of mutation entries, have equal right to seek partition of the joint land, (if their share is so recorded in the revenue records on the date when the partition application is filed). Since, the respondents No.5 to 9 herein, had purchased land from the other co-sharers and the same has been duly recorded in the jamabandi for the year 2005-06, against the relevant khewat; in that eventuality, no fault can be found in the filing of partition application on



behalf of respondents No.5 to 9 herein; accordingly, the aforesaid contention of the petitioners is rejected.

10. As regards the second contention raised on behalf of the petitioners that during the pendency of partition proceedings, an amended Naksha 'Ka' was called and that no opportunity to raise objections thereto was provided; suffice it to say that Naksha 'Ka' is a document which is prepared at initial stage of the partition proceedings and it contains the details of the co-sharers in the khewat (which is subject matter of partition), their entitlement in joint land, the extent of area in their possession etc. As per the provisions contained in Haryana Land Revenue Act, in case any of the co-sharers has been inadvertently left out from being impleaded as a party in the partition application, then the Revenue Authorities are well within their jurisdiction to include their names in Naksha 'Ka'. In case, the petitioners had any objection in respect of Naksha 'Ka', then in that eventuality, they were free to raise an objection in that regard at the relevant stage or to file an appeal; however, it appears that no such recourse was adopted at the relevant time and now after Naksha 'Ka' has been approved, the petitioners cannot be permitted to turn around and raise objection against approved Naksha 'Ka' *before higher authority* at this stage; accordingly, the aforesaid contention of the petitioners is also rejected.

11. As regards the third contention raised on behalf of the petitioners that the partition proceedings have been carried out in violation of the provisions contained in the Haryana Land Records Manual, 2013;

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suffice it to say that the Haryana Land Records Manual is a compendium of administrative instructions issued by the learned Financial Commissioner in exercise of administrative powers conferred by the Haryana Land Revenue Act and they must conform to the statutory provisions contained in the Haryana Land Revenue Act. No such violation of statutory provisions of the Land Revenue Act and/or the rules framed thereunder, have been pointed out.

11.1 Furthermore, learned counsel for the petitioners has 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.

12. No other argument has been raised.

13. Keeping in view the above discussion, I see no compelling reason, which may warrant interference by this Court in the present proceedings. Resultantly, the instant writ petition fails and the same is accordingly dismissed.

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

19.12.2025*ankit***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No