

116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-34385-2024 (O/M)
Date of decision : 04.03.2025

Ram Kishan and others Petitioner(s)

Versus

State of Haryana and others Respondent(s)

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Abhimanyu Singh, Advocate
for the petitioners.

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HARSH BUNGER, J. (ORAL)

CM-1239-CWP-2025

1. This is an application filed under Section 151 CPC for placing on record the specific Khasra Girdawari report as Annexure A-1.
2. For the reasons mentioned in application, same is allowed and the specific Khasra Girdawari report (Annexure A-1) is taken on record subject to all just exceptions.
3. Application is accordingly disposed of.

CWP-34385-2024 (O/M)

1. Petitioners (Ram Kishan and others) have filed the instant civil writ petition under Articles 226/227 of Constitution of India, inter alia, seeking a writ in the nature of certiorari for setting aside the order dated 05.09.2023 (Annexure P-4), passed by learned Assistant Collector 2nd Grade, Badhra, Tehsil Badhra, District Charkhi Dadri, whereby the sanad takseem (instrument of partition) was issued.

1.1 A further prayer has been made for setting aside the order dated 05.11.2024 (Annexure P-5), passed by learned Financial Commissioner, Haryana, whereby revision petition filed by petitioners, challenging the partition proceedings/sanad takseem (instrument of partition), has been dismissed.

2. Briefly, Amir Singh (Predecessor of respondent No. 3) filed an application, seeking partition of joint land, comprised in Khewat No. 87 (as per jamabandi for the year 2004-05), admeasuring 107 Kanal – 6 Marla, situate at village Kakroli Sardara, Tehsil Badhra, District Charkhi Dadri.

2.1 Apparently, the mode of partition (Annexure P-2) was sanctioned and thereafter, Naksha 'Kha' was called from the field staff. Upon receipt of Naksha 'Kha', objections thereto were called from the respective parties.

2.2 It is not disputed before this Court that the petitioners did not raise any objection to Naksha 'Kha'. Apparently, Naksha 'Kha' came to be sanctioned and thereafter, Naksha 'Ga' was approved and thereafter, sanad takseem (instrument of partition) came to be issued on 05.09.2023 (Annexure P-4).

2.3 It transpires that the petitioners preferred a revision petition (ROR-99/2023-24) challenging the partition proceedings/sanad takseem (instrument of partition), however, the same was dismissed by learned Financial Commissioner, Haryana, vide order dated 05.11.2024 (Annexure P-5). Hence, the present writ petition.

3. Heard.

4. The only argument raised by learned counsel for petitioners is that the area, which was earlier in their possession, was wrongly taken and allotted to the other co-sharers and that sufficient opportunity was not provided to the petitioners to raise their objections at the relevant time.

5. During the course of hearing, a specific query was put to learned counsel for petitioners as to whether any objection was raised at the time when Naksha 'Kha' was filed before the revenue court, the response is clear 'No'. Further the petitioners have also not been able to show from Khasra Girdawari (Annexure A-1) that they were in possession of any specific area.

5.1 Once the petitioners had failed to raise any objection to Naksha 'Kha', which was subsequently approved and on that basis, Naksha 'Ga' has been prepared and thereafter, sanad takseem (instrument of partition) stands issued, accordingly after the final partition, the petitioners cannot be permitted to raise any objection as regards the allocation of area to respective co-sharers.

5.2 As regards the contention of learned counsel for petitioners that no sufficient opportunity has been granted to the petitioners to raise any objection at the relevant time, learned counsel for petitioners has failed to refer to any material/document in that regard and in the absence of the same, the said plea of the petitioners cannot be appreciated and the same is accordingly rejected.

6. In view of the above, there is no scope for any interference by this Court in the partition proceedings/sanad takseem (instrument of

partition). Resultantly, the instant civil writ petitions fails and the same is accordingly dismissed.

7. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

04.03.2025
sjks

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No