

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

**LPA-3247 of 2024 (O&M)
Date of Decision: December 02, 2025**

Jagdish @ Jagdish Chander and others

.... Appellants

Versus

State of Haryana and others

.... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: - Mr. Ajay Jain, Advocate
for the appellants.

Mr. Anurag Jain, Advocate
for respondent Nos. 4 and 5.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. The challenge in the present appeal is to the order dated 09.12.2024 of the learned Single Judge by which the order dated 16.03.2017 (Annexure P-5) passed by the Revenue authority has been upheld and for the issue persisting qua the first parcel of the property, that the same leaves the respondent in a disadvantageous position, keeping in view the shape of the land partitioned in his favour the matter has been remanded back to the Revenue Authorities so as to decide the issue of first parcel of the property afresh.
2. The grievance of the appellant is that once, qua the first parcel of land partitioned in favour of the respondent out of the three carved out portions of land, the issue has been remanded back to the revenue authorities, the entire exercise of partition of land in question should be undertaken afresh qua the other parcels as well as, the appellant is facing grievance and prejudice as one of

the construction i.e. Kotha which was earlier in his possession, has not been given to the appellant but rather has been given to the other co-sharer of the land in question which is causing prejudice.

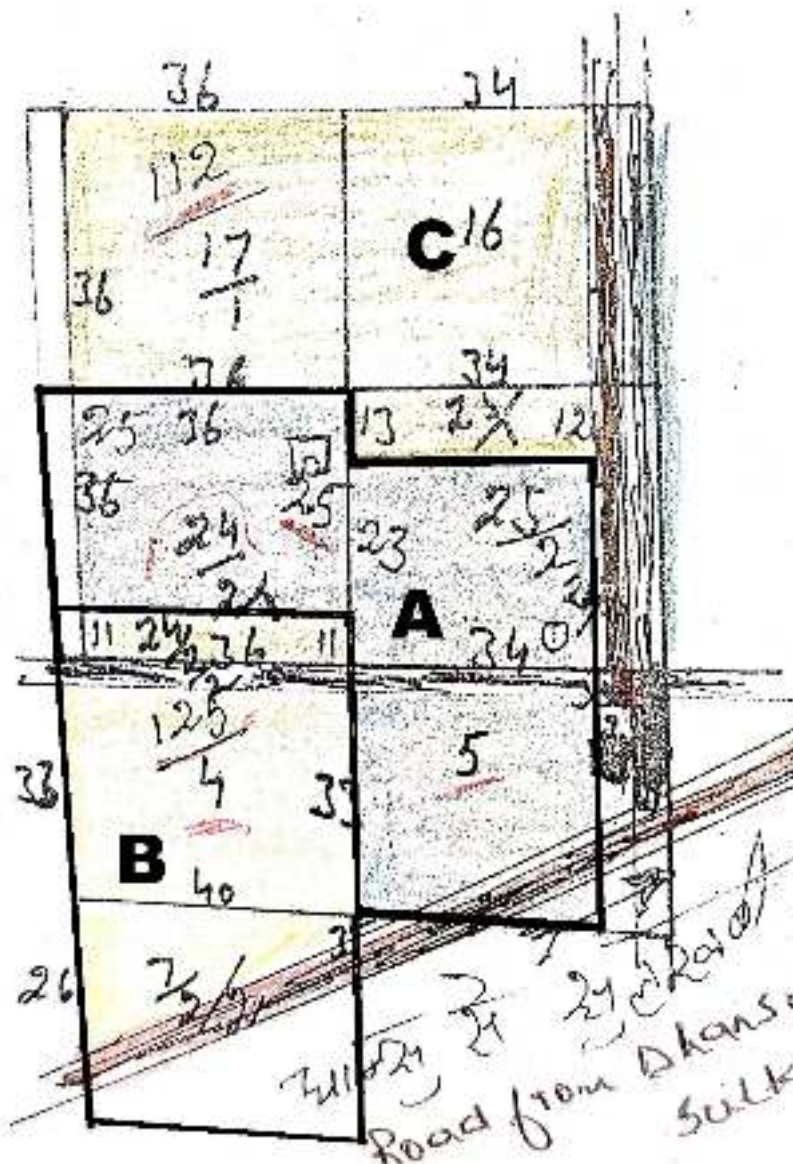
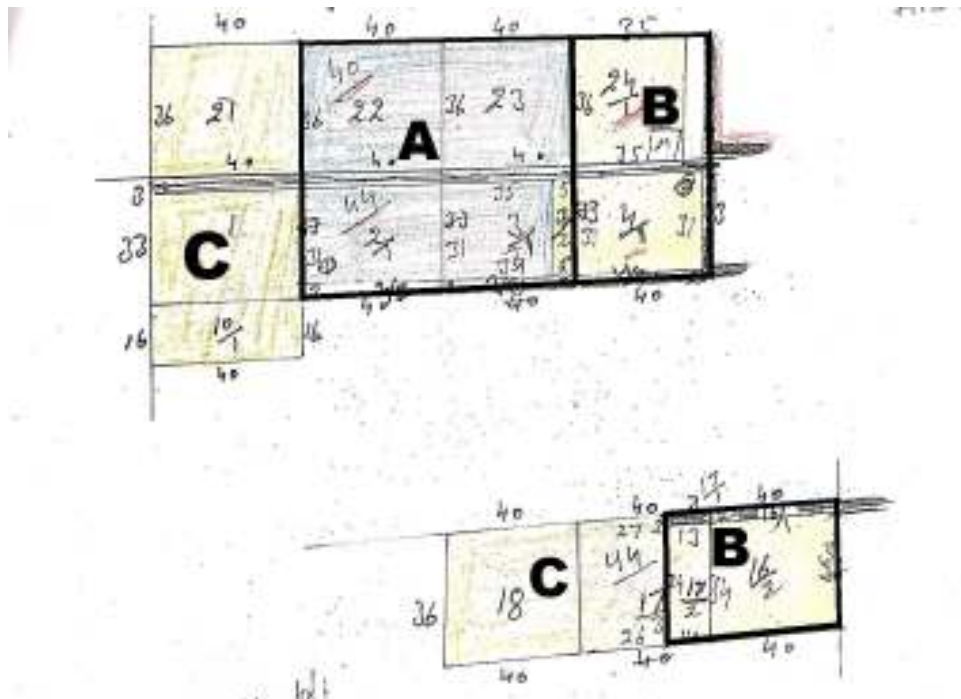
3. Learned counsel appearing on behalf of the respondent submits that the third parcel of the partitioned land qua which the present appeal has been filed, the same has been bifurcated between the three co-sharers in a manner that all the three co-sharers get a share of land abutting the road and in case, the argument of the appellant is to be accepted, all the three co-sharers will not be able to get the land abutting the road which will disturb the equity between all the co-sharers as derived by the authorities while partitioning the land in question. Learned counsel for the respondent further submits that as per the partition which has been effected, as of now the portion of land which has been given to the appellant, is covered by road on both the sides.

4. Learned counsel of the respondent further submits that the Kotha which earlier fell in the possession of appellant, which has been made basis of appellant to show that prejudice has been caused to him, the same is only a small room and on the basis of said room the total portion effected between all the parties cannot be disturbed. Hence, the impugned order passed by the learned Single Judge is perfectly valid and legal.

5. We have heard learned counsel for the parties and have gone through the record of the case with their able assistance.

6. It may be noticed that the present appeal pertains to the

particular parcel of the land, which is reproduced hereinbelow for the ready reference:-

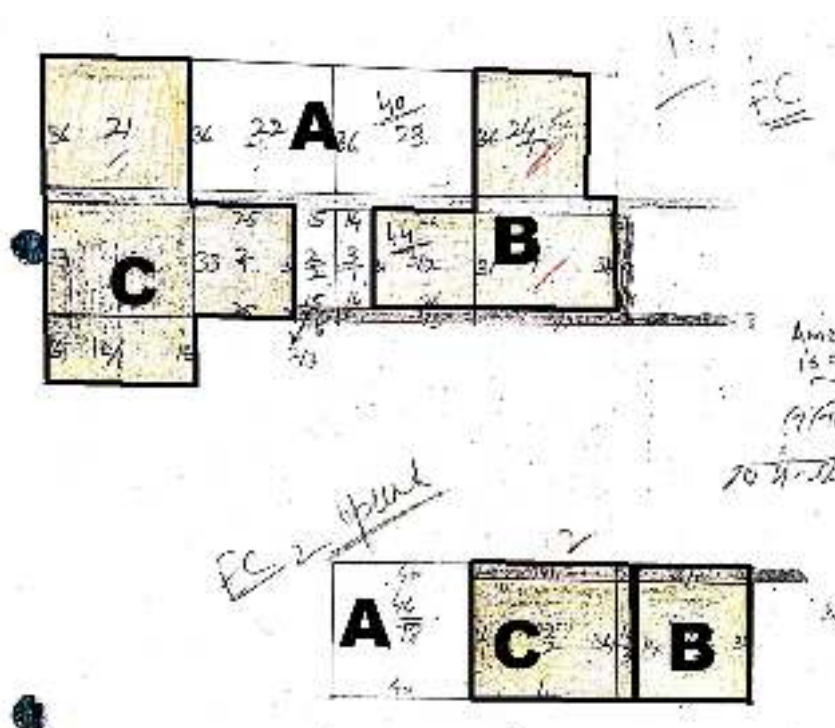


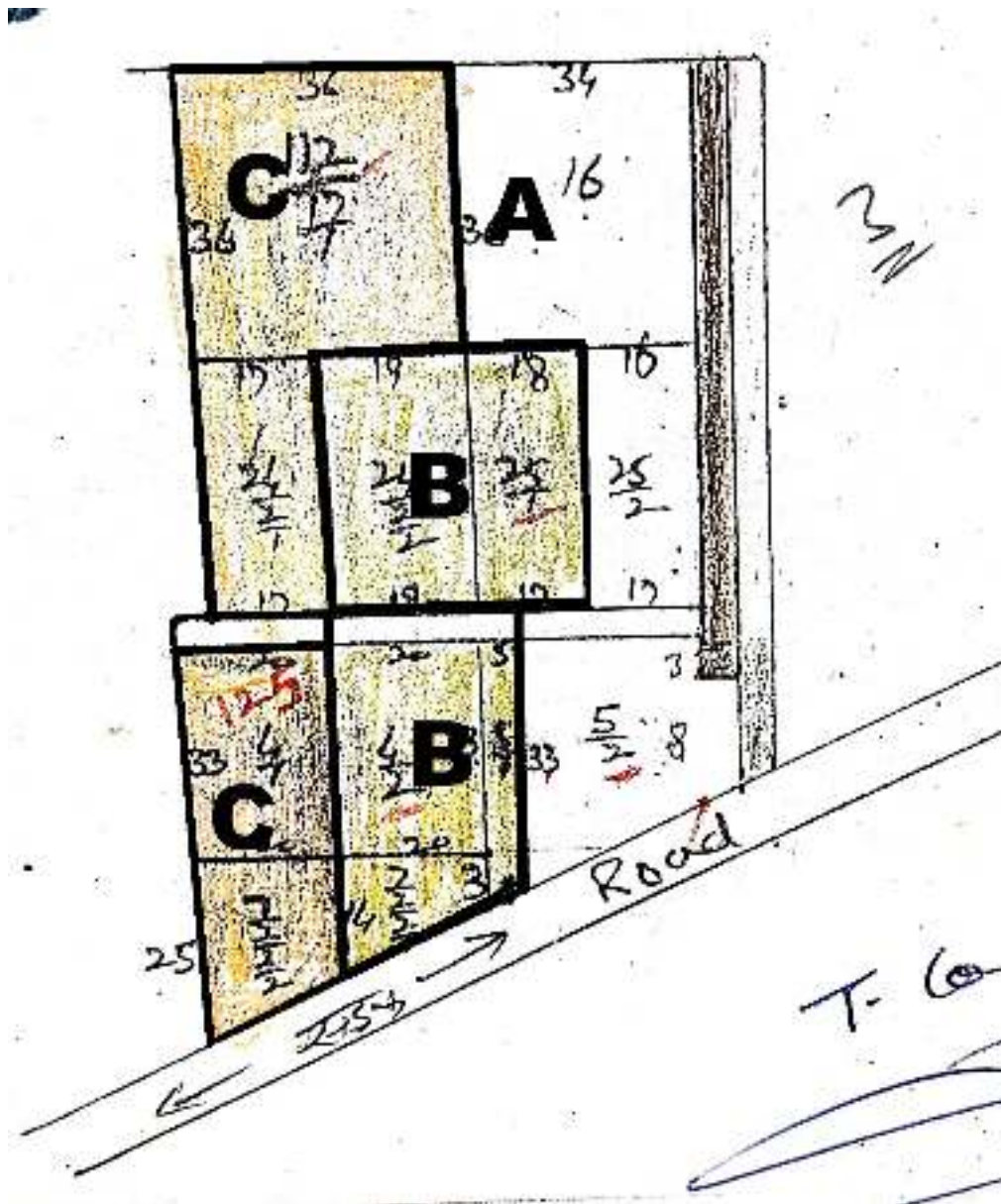
7.

It

would show that Chunk A is covered by the road from both the sides whereas, Chunk B and C are only abutted to the road from one side from where they can enter into their land.

9. The argument of the learned counsel for the appellant is that the said land should be partitioned in the following manner:-





10. A bare perusal of the above, would show that in case the said mode of partition of land in question, which is being advocated by the appellant is accepted, only two of the parties will get the share land abutting the road and not the third co-sharer.

11. Further, the authorities have applied their judicial mind and partitioned the land in question in such a manner so that all the three co-sharers get equal land on the road. Even from a naked eye, it is abundantly clear that even in the said parcel of land belonging to appellant which is abutting the road, the same is more in favour of the appellant as compared to the respondent which shows that

no material prejudice has been caused to the appellant, rather he seems to be in an advantageous situation.

12. Keeping in view the totality of the circumstances, no ground is made out for any interference by this Court. Accordingly, the present writ petition is dismissed.

13. Pending application, if any shall also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

December 02, 2025
archana

Whether speaking/reasoned	Yes
Whether Reportable	No