

2025:PHHC:179665



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

CWP-37896-2025

Date of Decision: 23.12.2025

Manjeet and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Rajesh Kumar Dhankar, Advocate
for the petitioners.

Ms. Upasana Dhawan, AAG, Haryana.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for setting aside orders dated 10.02.2025 and 14.02.2025 [Annexure P-7 (Colly.)] passed by the learned Assistant Collector, 2nd Grade, Bahadurgarh; and order dated 18.11.2025 (Annexure P-11) passed by the learned Divisional Commissioner, Rohtak.

2. Briefly, respondent No.5 – Mehtab Singh filed an application seeking partition of joint land measuring 119 Kanal-13 Marla, comprised in Khewat No.564/482 (as per Jamabandi for the year 2021-22), situated at Village Kharhar, Tehsil Bahadurgarh, District Jhajjar.

2.1 It appears that in the aforesaid partition proceedings, the Mode of Partition was approved, pursuant to which a *Naksha Bey* was prepared by the field staff. Upon receipt of the *Naksha Bey* on the case file, objections thereto were called from the parties, whereupon the petitioners submitted their objections. It transpires that the learned Assistant Collector, 2nd Grade, Bahadurgarh, vide order dated 10.02.2025 (Annexure P-7), accepted some of the objections raised by the petitioners, while rejecting others, and consequently a revised *Naksha Bey* was called from the field staff. The relevant extract of the said order dated 10.02.2025 (Annexure P-7) reads as under:-

“File presented. Case called. Counsel for parties are present. After observing the Naksha Bay and Objections, a 3 Karam wide path should be shown in 136//81/, 9/2 and the water channel left from the northern direction of Killa No.31//1 in the Naksha Bay should be joined in the southern direction, and the remaining objections are dismissed. Now the revised Naksha Bay from Halqa Patwari/Girdawar be called and case be fixed for 14.02.2025.”

2.2 Upon receipt of the revised *Naksha Bey*, and in the absence of any further objections from the parties, the *Naksha Bey* was accordingly approved vide order dated 14.02.2025 (Annexure P-7). The relevant extract thereof reads as under:-

“File presented. Case called. Counsel for parties are present. The revised Naksha Bay has been received on the file. The applicant has recorded no objection on the revised Naksha Bay. No objection has been received on the revised Naksha Bay. In the absence of receiving any objections, the revised Naksha Bay is approved. Now the Naksha Jim be called from Halqa Patwari/Girdawar and case be fixed for 21.02.2025.”

2.3 The petitioners herein challenged the aforesaid orders dated

10.02.2025 and 14.02.2025 by filing an appeal before the learned Collector,

Bahadurgarh, which came to be allowed vide order dated 02.04.2025 (Annexure P-9), whereby, the matter was remanded to the learned Assistant Collector, 1st Grade, Bahadurgarh, with a direction to hear the objections raised by the petitioners and to carry out the partition proceedings by preparing a revised *Naksha Bey* in accordance with the Rules. The relevant extract thereof reads as under:-

“After hearing the arguments of the learned counsels for the parties and reviewing the record available on the file, it is concluded that the arguments of the appellants are justified. Both the parties have admitted that their signatures are on the Panchayati Compromise dated 17.05.2024. Therefore, in view of the above description and discussion, the appeal is liable to be accepted, thus same is hereby accepted and the case is remanded to the Assistant Collector First Grade, Bahadurgarh with the direction that after hearing the objections of the appellants, the partition proceedings should be carried out by preparing a revised amended Naksha Bay according to the rules, keeping in mind the possession and the Panchayati decision dated 17.05.2024. Both parties are directed to appear before the Court of Assistant Collector First Grade, Bahadurgarh on 16.04.2025 for further proceedings. The file should be consigned to record room after compliance.”

2.4 Being dissatisfied, respondent No.5 – Mehtab Singh filed a revision petition before the learned Divisional Commissioner, Rohtak, which came to be allowed vide order dated 18.11.2025 (Annexure P-11), whereby, the order dated 02.04.2025 (Annexure P-9) passed by the learned Collector, Bahadurgarh, was set aside, the revised *Naksha Bey* was approved, and the order dated 14.02.2025 (Annexure P-7) passed by the learned Assistant Collector, 2nd Grade, Bahadurgarh, was maintained.

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

4. Heard.

5. During the course of hearing, the sole submission raised by learned counsel for the petitioners is that a compromise had been arrived at between the parties on 16.05.2017 (Annexure P-12) and 17.05.2024 (Annexure P-13), and that in terms of the said compromise, the area ought to have been allotted accordingly. In support of the said submission, the petitioners have placed on record a copy of the Site Plan as Annexure P-14, depicting the position that would emanate as per the compromise dated 17.05.2024 (Annexure P-13).

6. I have considered the aforesaid contention raised by learned counsel for the petitioners.

7. Apparently, a similar contention was also raised on behalf of the petitioners before the learned Divisional Commissioner, Rohtak; however, upon consideration thereof, the learned Divisional Commissioner, vide order dated 18.11.2025 (Annexure P-11) has returned the following observations:

“..... I have reached the conclusion that the revised Naksha Bay was correctly approved by the Assistant Collector First Grade, Bahadurgarh vide his order dated 14.02.2025 because the main objective of partition is to make the least number of divisions of the land and according to the impugned order passed by the Collector, there will be unnecessary divisions of the land due to which the land will not remain cultivable.

Consequently, the present Revision Petition is accepted being strong, logical, and based on evidence. Along with this, the judgment dated 02.04.2025 passed by the Sub Divisional Officer (Civil)-cum-Collector, Bahadurgarh is set aside finding without force, illogical and baseless. The case file should be deposited in the record room after compliance.”

8. A perusal of the above extracted findings would indicate that a categorical finding has been returned to the effect that if the order passed by

the learned Collector, which in turn is based on the compromise dated 17.05.2024 (Annexure P-13), is implemented, the same would result in unnecessary division of the land, rendering it non-cultivable. When the aforesaid observation is considered in the light of the Site Plan (Annexure P-14), it leaves no manner of doubt that partitioning the land in the manner depicted therein would indeed lead to fragmentation of the land.

9. I have also considered the revised *Naksha Bey* as approved by the learned Collector, which is appended as Annexure P-6. A bare perusal thereof would show that the respective co-sharers have been allocated land in a manner that appears to be just, fair and equitable.

10. In my considered view, the partition of land amongst the co-sharers is carried out as per the share holding of the respective co-sharers in the joint *khewat* and not as per their share in each separate khasra number. The primary object of partition is to carve out separate land holdings for the co-sharers, who do not want to have their holdings joint with other persons and also to consolidate the land holdings in minimum possible blocks, depending upon facts and circumstances of each case. It is well established that partition can never be carried out with mathematical precision and some adjustments are always required to be made considering various factors like number of co-sharers in the joint land, shape of the land parcels/pockets under partition, location of land (whether abutting the road/passage or near to village *abadi* or town etc.), nature/value of land, source of irrigation, existing possession of the parties, provisioning of passage(s)/water-course(s), construction of hutments/houses etc. There may be other factors as well which may call for carving out of blocks of respective co-sharers, in a particular manner.

11. 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.

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

23.12.2025
Apurva

(HARSH BUNGER)
JUDGE

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