

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

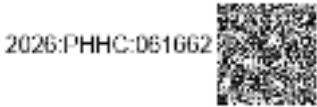
Date of decision : 22.04.2026

(124) CWP-6870-2026 (O&M)

Mahabir Singh and others

Versus

State of Haryana and others



...Petitioners

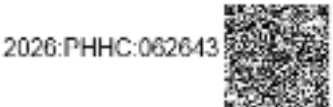
...Respondents

(125) CWP-6885-2026 (O&M)

Mahabir Singh and others

Versus

State of Haryana and others



...Petitioners

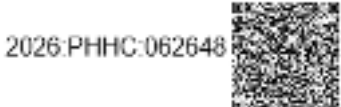
...Respondents

(126) CWP-6887-2026 (O&M)

Mahabir Singh and others

Versus

State of Haryana and others



...Petitioners

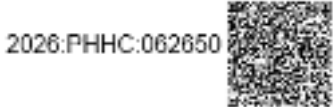
...Respondents

(127) CWP-6973-2026 (O&M)

Mahabir Singh and others

Versus

State of Haryana and others



...Petitioners

...Respondents

CORAM : HON’BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Rajat Sheokand, Advocate
for the petitioners.

Ms. Upasana Dhawan, AAG, Haryana.

HARSH BUNGER J. (Oral)

This order shall dispose of four writ petitions i.e. CWP Nos. 6870, 6885, 6887 & 6973 of 2026 as they involve common issues of law and fact, however, for the purpose of passing this order, the facts are being taken from CWP-6870-2026.

2. Petition herein is herein is, *inter alia*, seeking a writ in the nature of Certiorari, for setting aside the order dated 21.03.2024 (Annexure P-2) passed by learned District Revenue Officer-cum-Collector, Panipat, and order dated 04.06.2025 (Annexure P-4) passed by learned Commissioner, Karnal Division, Karnal.

3. Briefly, the private respondents herein filed four separate applications seeking partition of four separate khewats i.e. Khewat No.103//92, Khewat No.299//272, Khewat No.1288 and Khewat No.1388/1150 (as per jamabandi for the year 2015-16) of village Madlauda, Tehsil Madlauda, District Panipat.

4. It appears that after filing of the above-referred four partition applications, the private respondents moved an application before the learned Assistant Collector 1st Grade, Madlauda, with prayer for conducting partition proceedings by consolidating all the khewats.

5. It transpires that the learned Assistant Collector, rejected the aforesaid submission for clubbing of khewats and approved the mode of partition, wherein it was provided that the partition shall be conducted by disturbing the possession and on that basis Naksha Bey was approved on 19.06.2023. It is noticeable that the order rejecting the application for clubbing of khewats as well as the order approving Naksha Bey has not been

placed on record in the present writ petition, for the reasons best known to the petitioners.

6. In para No.3 of the writ petition, it is the pleaded case of the petitioners that the private respondents challenged the order dated 02.06.2023/05.05.2023 and Naksha *Bey* dated 19.06.2023 by filing four separate appeals before the learned District Revenue Officer-cum-Collector, Panipat, who vide order dated 21.03.2024 (Annexure P-2) set aside the order dated 02.06.2023, whereby the mode of partition has been approved and also the order dated 19.06.2023 vide which Naksha *Bey* was approved, and the matter was remanded to the learned Assistant Collector, with the direction that the partition proceedings be conducted as per rules, after consolidating all the khewats.

7. Feeling dissatisfied with the aforesaid order dated 21.03.2024 (Annexure P-2), the present petitioners preferred four separate appeals before the learned Commissioner, Karnal Division, Karnal; however, the same were dismissed vide order dated 04.06.2025 (Annexure P-4).

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

9. I have heard the learned counsel for the petitioners and perused the paperbook with his able assistance.

10. Before this Court, it is not disputed by the learned counsel for the petitioners that the land under partition is comprised in four separate khewats and all the aforesaid four khewats have common co-sharers. It appears that when the matter was pending before the learned Assistant

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I attest to the accuracy and
integrity of this document
High Court, Chandigarh

is accepted and the order passed by the lower court Dated 02.06.2023 / 19.06.2023 is set aside. The said case is remanded with the direction that after consolidating all the Khewats, the partition proceedings should be carried out as per the rules and after hearing the objections of all the parties, a speaking order should be passed on the basis of merits and demerits. The parties are instructed to appear in the court of Tehsildar and Assistant Collector First Class, Matalauda on 12.04.2024. File be consigned to the record room after necessary compliance.”

11. Feeling dissatisfied, the petitioners preferred revision(s) before the learned Commissioner, Karnal Division, Karnal, which was dismissed vide order dated 04.06.2024 (Annexure P-4), the relevant extract of which reads as under:-

“xxx

xxx

xxx

After hearing the arguments addressed by the learned counsel for both parties and after studying and reviewing the records available on the file, I have arrived to the conclusion that there is no error of any kind in the order dated 21.03.2024 passed by the District Revenue Officer and Collector, Panipat. The orders passed by District Revenue Officer and Collector, Panipat, while consolidating all the khewat and conducting the partition proceedings as per rules, seems to be appropriate. As per Item No. 3 of the mode of partition, the provision of conducting partition by breaking the possession/occupation is not appropriate because if the land is divided by breaking the possession, the land will be divided into small pieces, which would be rendered uncultivable. Therefore, District Revenue officer and Collector, Panipat has rightly set aside the orders dated 02.06.2023 and 19.06.2023 passed by Assistant Collector, First Class, Madlauda. Finding no merit in the grounds taken in the appeal of the present appellants, the appeal is dismissed and the order passed by the District Revenue Officer and

Collector, Panipat is upheld. The file be consigned to the record room after necessary compliance.”

12. A perusal of the above-extracted orders would show that the Revenue Authorities below have recorded a finding that in the present proceedings, if the partition is carried out by disturbing the possession, then the same shall result into fragmentation of land, thereby making the land uncultivable, which will not be in the interest of the parties; accordingly the matter has been remanded to the learned Assistant Collector, to carry out partition by clubbing all the khewats.

13. Before this Court, learned counsel for the petitioners has failed to show as to what prejudice will be caused to the petitioners, if the partition of all the four khewats is carried out by clubbing the khewats; especially, when it is not disputed that all the co-sharers in the four khewats under partition, are the same.

14. I am of the considered view that since the co-sharers in all the khewats are the same, therefore, it would be in the interest of all the co-sharers if the partition is carried out by clubbing of all the khewats, as it would enable the Revenue Authorities to carve out contiguous blocks (kurras) of all the co-sharers, which would be beneficial for the purpose of cultivation.

15. At this stage, another objection has been raised by the learned counsel for the petitioners that the appeal(s) preferred by the private respondents before the learned Collector, Panipat, was barred by limitation. I have considered the aforesaid plea raised on behalf of the petitioners as well; however, suffice it to observe that, the appeal before the learned Collector is

stated to have been instituted on 10.08.2023, wherein, challenge is made to the order dated 02.06.2023. However, learned counsel for the petitioners has failed to point out as to when the certified copy of the order dated 02.06.2023 was applied for by the private respondents and further as to when the said certified copy was prepared and made available to the private respondents. In the absence of the aforesaid material dates, the plea raised by the learned counsel for the petitioners that the appeal filed by the private respondents before learned Collector was barred by limitation; is rejected.

16. Even otherwise, it is well-established that when substantial justice and technicalities are pitted against each other, then it is always the cause of substantial justice, which has to be preferred.

17. No other argument was raised.

18. Keeping in view the above discussion, I see no compelling reason which may warrant interference by this Court in the present matter. Resultantly, the instant writ petition(s) fails and the same are accordingly ***dismissed.***

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

20. Photocopy of this order be placed on the connected cases files.

22.04.2026
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(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No