

**CWP-8503-2026 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****129****CWP-8503-2026 (O&M)****Date of decision: 18.05.2026****Abhishek Kumar and others**

....Petitioners

Vs.

Financial Commissioner (Appeals), Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGERPresent: Mr. Daanish Mahajan, Advocate
for the petitioners.

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

Mr. Pranav Handa, Advocate
for the Caveator-respondent No.2.

HARSH BUNGER J. (Oral)**CM-6034-CWP-2026**

Prayer in the present application is for placing on record copy
of mode of partition dated 03.11.2022 (Annexure P-12).

For the reasons mentioned in the application, copy of mode of
partition dated 03.11.2022 (Annexure P-12) is taken on record, subject to all
just exceptions.

Application is accordingly disposed of.

Main Case

Petition herein is, *inter alia*, seeking a writ in the nature of
Certiorari, for setting aside the order dated 26.10.2023 (Annexure P-5)
passed by learned Assistant Collector 1st Grade, Dhar Kalan; order dated



23.01.2024 (Annexure P-7) passed by learned Collector-cum-SDM, Dhar Kalan; order dated 07.07.2025 (Annexure P-9) passed by learned Commissioner, Jalandhar Division, Jalandhar and order dated 19.02.2026 (Annexure P-11) passed by learned Financial Commissioner (Appeals), Punjab.

2. Briefly, respondent No.2 – Jagmohan Singh filed an application seeking partition of joint land comprised in khewat No.370, situated at village Tareti, Tehsil Dhar Kalan, District Pathankot (as per jamabandi for the year 2015-16).

2.1 The present petitioners were impleaded as party respondents in the partition application. In the aforesaid partition proceedings, mode of partition came to be prepared vide order dated 03.11.2022 (Annexure P-12), the relevant extract of which reads as under:-

- “1 The land sought to be partitioned measures 20 Kanal 1 Marla.*
- 2 The partition shall be carried out plot-wise (khasrawar), breaking existing possession, keeping in mind the rules of consolidation (chak-bandi).*
- 3 Separate shares/lots (kuraas) shall be prepared for the applicant.*
- 4 The partition shall be carried out by excluding the Abadi (inhabited/residential) land.*
- 5 The purchaser/mortgagee (mustari/muhtan) shall be entered in the account of the seller/mortgagor (baya/rahan).*
- 6 The road/pherny (peripheral path) frontage shall be given to every party proportionate to their share.*



- 7 *Roads and watercourses/passages for irrigation shall be shown/recorded as common (jointly) in the respective accounts.*
- 8 *The partition shall be carried out through the Kanungo of the circle (halqa).*
- 9 *Small trees shall be retained with the applicant; the value of large trees shall be assessed and distributed; road frontage shall be given proportionate to share.”*

2.2 A perusal of the above-extracted mode of partition would show that in the aforesaid partition proceedings only the share of respondent No.2 – Jagmohan Singh was to be separated out and the share of the other co-sharers i.e. present petitioners, was to be kept joint.

2.3 After the finalization of the mode of partition, ‘Naksha Arra’ was called from the field staff. Upon receipt of ‘Naksha Arra’ from the field staff, objections were sought from the parties and the present petitioners are stated to have submitted their objections to ‘Naksha Arra’, however, the same were rejected and thereafter ‘Naksha Arra’ was approved; followed by ‘Naksha Erri’ and a final partition order dated 26.10.2023 (Annexure P-5) came to be passed.

2.4 Feeling aggrieved against the final partition order dated 26.10.2023 (Annexure P-5), the petitioners herein, preferred an appeal before the learned Collector, Dhar Kalan, which came to be dismissed vide order dated 23.01.2024 (Annexure P-7), the relevant extract thereof reads as under:-

“5. After examining the record placed on the file and hearing the arguments of the counsel for the appellants as well as the respondent, it has been found that the respondent had filed this



partition case in the Court of the Assistant Collector First Grade, Dharkalan, only for obtaining possession of his share of land. The respondent has also been in possession of the land falling in his share as a co-sharer for many years. Therefore, in the Naksha 'B' approved in this partition case, the breaking of possession of the appellant from the land falling in the share of the respondent (applicant) is natural. The objection raised by the appellant that their possession of the last 50-60 years has been disturbed due to this Naksha 'B' is therefore baseless and incorrect. From this fact it becomes evident that the appellant has filed this partition appeal only with the intention of retaining this excess/unauthorized possession. Upon examining Naksha 'B' and 'C' approved vide the order under appeal, it appears that the same have been prepared correctly. Therefore, in view of the aforesaid facts, it is hereby ordered that the present partition appeal is hereby dismissed. Order pronounced. Both the parties related to this case are directed that they shall appear before the Court of the concerned Assistant Collector, First Grade, Dharkalan, on 15/02/2024 for further proceedings in this partition case. Order pronounced. This file, after completion of necessary formalities, be consigned to the Record Room.”

2.5 Still aggrieved, the petitioners preferred a further appeal before the learned Commissioner, Jalandhar Division, Jalandhar, which has also been dismissed vide order dated 07.07.2025 (Annexure P-9).

2.6 Still dissatisfied, the petitioners preferred a revision petition (ROR No.772 of 2025) before the learned Financial Commissioner (Appeals), Punjab, which has also been dismissed vide order dated 19.02.2026 (Annexure P-11)



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

4. Before this Court, learned counsel appearing for the petitioners has raised only one submission that the final partition is contrary to the settled mode of partition; inasmuch as, that in the mode of partition it was specifically recorded that the partition shall be carried out by excluding the *abadi* area, whereas in the final partition, the entire abadi area has been allocated in the joint block of all the petitioners.

5. During the course of hearing of this petition, a specific query was raised to the learned counsel for the petitioners as to whether respondent No.2 had raised any construction in the area, which is recorded as '*gair mumkin abadi*' in the revenue records i.e. khasra No.651(3-12).

5.1 In response the aforesaid query, learned counsel appearing on behalf of the petitioners stated that respondent No.2 has not raised any construction in the '*gair mumkin abadi*' area comprised in khasra No.651(3-12). Rather it is submitted before this Court that, it is the petitioners No.2 to 4 who have raised construction on khasra No.651, which is recorded as '*gair mumkin abadi*'.

6. Keeping in view the aforesaid stand taken by the learned counsel appearing on behalf of the petitioners, since respondent No.2 has not raised any construction on the area comprised in khasra No.651, accordingly, I see no illegality or perversity in the allocation of the said '*gair mumkin area*' to the joint block of the present petitioners as the construction has been primarily raised by petitioners No.2 to 4.



7. That apart learned counsel appearing on behalf of the petitioners has also not been able to show as to what prejudice has been caused to the petitioners by the manner in which the partition has been carried out or the manner in which the blocks of the respective co-sharers have been carved out.
8. Keeping in view the above, I see no compelling reason which may warrant inference by this Court in the present proceedings. Resultantly instant writ petition fails and the same is accordingly *dismissed*.
9. All the pending application(s), if any, shall also stand closed.

18.05.2026
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(HARSH BUNGER)
JUDGE

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