

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of Decision: 01.04.2026

(122)

2026:PHHC:050833



CWP-9603-2026 (O&M)

Ramanand

..... Petitioner

Versus

Commissioner, Gurugram Division and others

..... Respondents

(123)

2026:PHHC:050835



CWP-9617-2026 (O&M)

Ramanand

..... Petitioner

Versus

Commissioner, Gurugram Division and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sudhir Aggarwal, Advocate
for the petitioner(s).

Mr. Rajiv Malhotra, DAG, Haryana.

HARSH BUNGER J. (ORAL)

This order shall dispose of two writ petitions, bearing CWP-9603-2026 and CWP-9617-2026 as they involve common issues of law and fact.

1.1 In both the writ petitions, prayer is for issuance of a writ in the nature of Certiorari to set aside order dated 31.12.2025 (Annexure P-4 in both the writ petitions) passed by the learned Divisional Commissioner, Gurugram.

2. Briefly, the petitioner filed two separate applications seeking partition of joint land comprised in Khewat No.189 (area measuring 17 Kanal-12 Marla) and Khewat No.225 (area measuring 6 Kanal-7 Marla), situated in Village Hakdarpur, Tehsil Pataudi, District Gurugram (as per *Jamabandi* for the year 2016-17).

2.1 Respondents No.4 to 7 appeared in the said proceedings and filed their reply(ies). The Mode of Partition came to be sanctioned on 13.09.2023, and the partition proceedings culminated with the drawing of the *Sanad Takseem* (Instrument of Partition) vide order dated 06.03.2024 (Annexure P-2), passed by the learned Assistant Collector, Ist Grade, Pataudi.

2.2 It transpires that respondents No.4 to 7 challenged the said partition proceedings by filing two appeals before the learned Collector, Pataudi; however, the same came to be dismissed, vide separate order(s) dated 21.03.2025 (Annexure P-3 in both the writ petitions), on the ground of maintainability, by observing that after the issuance of the *Sanad Takseem*, an appeal before the Collector was not maintainable.

2.3 Thereafter, respondents No.4 to 7 preferred two separate revision petitions before the learned Divisional Commissioner, Gurugram, which came to be decided vide a common order dated 31.12.2025 (Annexure P-4), whereby, the partition proceedings from the stage of *Naksha 'Bey'* onwards have been set aside, and the matter has been remanded to the learned Assistant Collector, Ist Grade, Pataudi, to decide the matter after considering the objections to the *Naksha 'Bey'* and after conducting a spot inspection of the land under partition.

3. In the aforementioned circumstances, petitioner has filed the instant writ petitions before this Court, seeking relief(s) as noticed hereinabove.

4. During the course of hearing, learned counsel appearing for the petitioner could not dispute the fact that in the final partition; as regards Khewat No.225, the petitioner had been allocated more frontage on the passage than his due entitlement as per his share in the joint land measuring 6 Kanal-7 Marla.

5. As regards another Khewat No.189 (area measuring 17 Kanal-12 Marla), it is not disputed that respondents No.4 to 7 were allocated land comprised in Rectangle No.26, Killa No.9/2 and 10/1, which is situated beyond a drain (*naala*), whereas, the petitioner was allocated comparatively more valuable land falling in Rectangle No.34, Killa No.23/2 and Rectangle No.44, Killa No.3/2.

5.1 It is further not in dispute that the only access to the land allocated to respondents No.4 to 7 in Rectangle No.26, Killa No.9/2 and 10/1; was through a small bridge, which stood closed on account of the

digging of the drain (*naala*), thereby leaving the said land without any proper passage.

6. Keeping in view the aforesaid facts and circumstances, I am of the considered view that the learned Divisional Commissioner, Gurugram, vide order dated 31.12.2025 (Annexure P-4), has rightly remanded the matter to the learned Assistant Collector, Ist Grade, Pataudi, for a fresh decision from the stage of *Naksha 'Bey'*.

7. Resultantly, the instant writ petitions fail and the same are, accordingly, dismissed; however, with the observation that the learned Assistant Collector, Ist Grade, Pataudi, shall ensure that the partition proceedings are conducted in a fair, just and equitable manner; in accordance with law.

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

9. Photocopy of this order be placed on the file of connected case.

01.04.2026
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No