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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10949-2025 (O/M)

Date of decision : 20.04.2026

Sarabjit Singh and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Ekjot Sandhu, Advocate
for the petitioners.

Mr. Harpreet Singh, AAG Punjab.

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HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside order dated 12.03.2024 (Annexure P-5), passed by Assistant Collector 1st Grade, Jandiala Guru, Amritsar (in short 'Assistant Collector'); sanad takseem (instrument of partition) dated 20.05.2025 (Annexure P-6); order dated 23.09.2025 (Annexure P-7), passed by learned Sub Divisional Magistrate-cum-Collector, Amritsar (in short 'Collector') and also order dated 05.12.2025 (Annexure P-8), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner').

2. Briefly, petitioners alongwith proforma respondent No. 6 (Balbir Singh) are stated to have purchased 6 Kanal – 15½ Marla out of land, comprised in Rect./Killa No. 37//1 (7-7), situated at village Dharad,

Tehsil and District Amritsar (as per jamabandi for the year 1998-99) from one Shri Dalvir Singh son of Pal Singh, vide sale deed dated 30.10.2000 (Annexure P-2).

2.1 Similarly, (Surjit Singh son of Balwant Singh-since deceased), predecessors-in-interest of respondent No. 3 (i) to (iv) are stated to have purchased 6 Kanal – 15½ out of land comprised in Rect./Killa No. 37//1 (7-7), 10/6 (6-4), situated at village Dharad as per jamabandi for the year 1993-94), vide sale deed dated 09.01.1998 (Annexure P-1).

2.2 It appears that both the aforesaid sale deeds have been executed in respect of land comprised in joint khewat. Apparently, above referred Surjit Singh filed an application for partition of joint land measuring 13 Kanal – 11 Marla, comprised in Khewat No. 581 (as per jamabandi for the year 2003-04), situated at village Dharad, Tehsil and District Amritsar.

2.3 It is apposite to note here that the aforesaid khewat No. 581 consists of only 2 khasra numbers i.e. 37//1 (7-7) and 37//10/1 (6-7). The aforesaid partition application came to be allowed by Assistant Collector, vide order dated 23.02.2016 (Annexure P-3).

2.4 It transpires that the aforesaid partition order was challenged by petitioners by filing a revision petition before learned Additional Commissioner, Jalandhar Division, Jalandhar, which came to be allowed, vide order dated 14.03.2018 (Annexure P-4) and the matter was remanded to Assistant Collector concerned for fresh decision.

2.5 Upon remand, Assistant Collector concerned passed final partition order dated 12.03.2024 (Annexure P-5).

2.6 It appears that petitioners laid challenge to final order of partition dated 12.03.2024 (Annexure P-5) by filing an appeal before learned Collector; however, in the meanwhile, a sanad takseem (instrument of partition) dated 20.05.2025 (Annexure P-6) came to be issued. Accordingly, learned Collector dismissed the appeal, preferred by petitioners, vide order dated 23.09.2025 (Annexure P-7) primarily on the ground that after issuance of sanad takseem, no appeal was maintainable before learned Collector.

2.7 Be that as it may, petitioners preferred a revision petition before learned Financial Commissioner, challenging the partition proceedings/orders; however, the same has also been dismissed, vide order dated 05.12.2025 (Annexure P-8).

3. In the aforementioned circumstances, the petitioners have filed the instant civil writ petition before this Court seeking relief(s), as noticed hereinabove.

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

5. From a perusal of records, it is evident that after the matter was remanded by learned Additional Commissioner, Jalandhar Division, Jalandhar, vide order dated 14.03.2018 (Annexure P-4), proceedings before the concerned Assistant Collector commenced; however, despite grant of various opportunities, no objections were filed by the petitioners at any stage and ultimately, opportunity to file objections to Naksha 'Erre' by petitioners was closed on 27.02.2024. Thereafter, the statement of respondent No. 3 (i)-Satnam Singh was recorded and final order of partition dated 12.03.2024 (Annexure P-5) was passed. On the basis of

aforesaid final order of partition, sanad takseem (instrument of partition) dated 20.05.2025 (Annexure P-6), has been issued. Even the appeal and revision preferred by petitioners have been dismissed.

6. Before this Court, learned counsel for petitioners, while referring to site plan/aks-shajra (Annexure P-9), has raised only one argument that in the final partition, petitioners have been allocated area comprised in Khasra No. 37//1/1 (3-13) and 37//10/1/1 (3-2), which falls on the eastern side of land under partition [as depicted in the site plan (Annexure P-9)]. It is contended that area to be allocated to the petitioners should have been aligned on the western side of land under partition, as petitioners other area also falls on western side of land under partition.

6.1 I have considered the aforesaid contention raised on behalf of petitioners; however, it is observed that the petitioners have neither produced any material nor disclosed the details of other land of the petitioners, which falls on the western side of land under partition. That apart, if any such land was available with the petitioners on the western side of land under partition, then in that eventuality the petitioners should have raised appropriate objection at the time of preparing of mode of partition, so as to include relevant clause therein that the block/kurra of the petitioners be carved out in a manner that their land is contiguous to their other area (not subject matter of partition proceedings) situated on the western side of land under partition. No such recourse appears to have been taken by the petitioners.

6.2 That apart, from a perusal of site plan, it is evident that there is a passage on the northern side of land under partition and petitioners as

well as private respondents have been allocated area with almost equal frontage on the passage.

7. Learned counsel for petitioners has been unable to show as to what prejudice has been caused to the petitioners by the manner in which the area has been allocated to the parties. From a bare look at the site plan (Annexure P-9), the partition appears to be fair, just and equitable, which does not call for any interference by this Court.

8. Keeping in view the above discussion, I find no merit in the instant civil writ petition and the same is accordingly, dismissed.

9. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

20.04.2026

sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No