



LPA-1077-2026 (O&M)

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

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LPA-1077-2026 (O&M)

Date of Decision :28.04.2026

Vijay Singh

...Appellant

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Sumeet Jain, Advocate for the appellant.

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Harsimran Singh Sethi, J. (Oral)

1. In the present appeal, the challenge is to the impugned order dated 28.08.2025 passed by the learned Single Judge of this Court in CWP-25204-2025 by which, the writ petition filed by the appellant herein challenging the partition proceedings, was dismissed in limine as well as the order dated 13.11.2025 passed by learned Single Judge by which, the review application being RA-CW-503-2025 filed by the appellant herein, was also dismissed.

2, Learned counsel appearing for the appellant argues that in the present case, due opportunity of hearing was not given to the appellant so as to present his case before the Revenue authorities qua the land in question which has been partitioned between the co-sharers upon an application filed by respondent No.5 along with the fact that the revenue authorities as well as learned Single Judge have ignored the fact that the portion of land which was in the possession of the appellant has been disturbed while effecting the said partition.

3. We have heard learned counsel for the appellant and have gone through the record with his able assistance.

4. It may be noticed that due notice was given by the Assistant Collector Grade-II after receiving an application seeking partition of the land in question. It is also a conceded position that the appellant had participated in the said proceedings on 08.09.2023. Once, it is on record that appellant had participated in the said partition proceedings, the appellant cannot at this stage be allowed to contend that he was not given a due opportunity to defend his case. Rather, the order which was passed by the authorities concerned while deciding the partition proceedings including the mode of partition, the same were duly challenged by the appellant though unsuccessfully hence, now raising a plea before this Court in an appeal that the appellant was not given due opportunity of being heard so as to present his case, cannot be accepted.

5. Further, the reliance being placed upon certain provisions of the Land Records Manuals with regard to how the partition proceedings are to be conducted, will not come to the rescue of the appellant as, at the relevant point of time, no such grievance was ever raised rather, the appellant duly participated in the partition proceedings without raising any objection qua procedure prescribed under Land Revenue Manuals, which led to the issuance of *Sanad Takseem*.

6. The other argument which is being raised by the learned counsel for the appellant is that the land which was in the possession of the appellant has not been given to him though, as per the mode of partition, the land which is in possession of the particular party, has to be given to the party concerned.

7. It may be noticed that said argument has been considered by the learned Single Judge while passing the impugned order wherein it has already come on record that keeping in view the revenue record, the total land to be partitioned was in possession of all the co-sharers and nothing was brought to the notice of the learned Single Judge that as to how, the claim raised that a specific

before the competent Court. In the absence of proving the same, the finding recorded by the learned Single Judge that the land being claimed by the appellant to be in his exclusive possession, has not been proved rather as per the revenue record, all the co-sharers were jointly in possession of the land in question therefore, the said argument raised by appellant has no legs to stand upon as the said finding has not been rebutted during the hearing.

8. Further, the learned Single judge has recorded a finding that keeping in view the Sanad Takseem prepared qua the land in question, the appellant herein has failed to point out any prejudice that may have been caused to him.

9. At this stage, learned counsel for the appellant submits that the total land should have been partitioned in one go and not in a piecemeal. Learned counsel for the appellant further submits that the said issue had already been raised when the part of the property was partitioned on an earlier occasion which issue is now pending consideration before the Civil Court but still without waiting for the decision, some more part of the land has been partitioned.

10. It may be noticed that even if, the action of the Revenue authority in partitioning the land in piecemeal is pending consideration before the Civil Court, no order passed by the Civil Court restraining that the remaining land owned by the co-sharers cannot be partitioned, has been brought to the notice of this Court. In the absence of any such restraint order passed by the competent Court of law, the impugned order partitioning the land between the co-sharers cannot be treated as illegal.

11. Further, learned counsel for the appellant was requested to point out such objection taken before the learned Single Judge either when the main writ petition was decided or even when the review was decided.

12. Learned counsel for the appellant submits that in the review petition,

the said ground was taken but the same has not been decided by the learned Single Judge while passing the order in the review petition.

13. It may be noticed that all the issue raised in the review petition might not have been argued by the counsel, which means that such arguments have been waived off hence, such arguments which have been waived off, cannot be raised for the consideration of this Court in the present appeal.

14. Keeping in view the totality of the facts and circumstances noticed hereinbefore, no ground for interference is made out by this Court and the present appeal is accordingly dismissed.

15. Order is dictated in the open Court in the presence of the learned counsel for the appellant.

16. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

April 28, 2026
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Whether speaking/reasoned : Yes
Whether reportable : No