

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

Date of decision : 30.04.2026

(129) CWP-13196-2026 (O&M)

2026:PHHC:066875



Sahid Mohhamad

...Petitioner

Versus

State of Haryana and others

...Respondents

(130) CWP-13198-2026 (O&M)

2026:PHHC:066878



Sahid Mohhamad

...Petitioner

Versus

State of Haryana and others

...Respondents

(131) CWP-13218-2026 (O&M)

2026:PHHC:066886



Sahid Mohhamad

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ravi Malik, Advocate and
Mr. Anil Chahal, Advocate
for the petitioner(s).

Mr. Rajiv Malhotra, DAG, Haryana.

HARSH BUNGER J. (Oral)

This order shall dispose of three writ petitions
i.e. **CWP Nos. 13196, 13198, 13218 of 2026** as they involve common issues
of law and fact, and for the sake of brevity, the facts are being taken from
CWP-13196-2026.

2. Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari, for setting aside the order dated 21.01.2026 (Annexure P-15) passed by learned Commissioner, Faridabad Division, Faridabad.

3. Briefly, respondent No.4 - Dilshad, filed an application seeking partition of joint land measuring 323 kanal - 16 marla situated at village Punhana, Tehsil Punhana, District Nuh (as per jamabandi for the year 2015-16).

3.1 In the aforesaid partition proceedings, present petitioner Sahid Mohammad was impleaded as respondent No.2. It appears that the partition proceedings were concluded with the drawing of *Sanad Takseem* dated 11.05.2022 (Annexure P-12).

4. It transpires that the partition proceedings/*Sanad Takseem* came to be challenged by way of three separate revision petitions before the learned Commissioner, Faridabad Division, Faridabad. All the abovesaid revision petitions came to be decided vide common order dated 21.01.2026 (Annexure P-15), whereby the partition proceedings carried out by learned Assistant Collector 2nd Grade have been set aside and the matter was remanded back to the learned Assistant Collector for deciding the matter afresh.

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

6. I have heard the learned counsel for the petitioner and perused the paperbook with his able assistance.

7. The operative part of the order dated 21.01.2026 (Annexure P-15) passed by learned Commissioner, reads as under:-

“xxx

xxx

xxx

After hearing the advocates of both parties, summoning the record of the land subject to partition from the Halqa Patwari, and perusing the case record, this Court has reached the conclusion that before approving Map 'B', the shareholders of the land subject to partition were not heard. It was even found that not all shareholders as per the partition record were made parties. The land adjoins a 6-Karam road and pathways, and houses and shops are built there. Some land is of valuable quality, which leads to other places/cities/villages from a separate road/path, which is valuable. The Assistant Collector, before deciding on the partition Map 'B', should have conducted a site inspection of the land subject to partition in the presence of all the shareholders, because the frontage has not been given according to the shares, which is a dispute in the partition. Considering possession, quality, the best of the best, and the least valuable of the least valuable should have been allotted according to the shares, on which ground the appeals/revisions of the appellants/revisionists become considerable; keeping this in view, finding force in the arguments of the appellants' appeal, the appeals/revisions of the revisionists are accepted, and the impugned orders of the lower court are set aside, and the said partition case is remanded back to the Assistant Collector, 2nd Grade, Punhana with the directions that the lower court should summon all the remaining parties as per rules, hear them, record their statements, and form separate Khewats according to their statements.”

8. A perusal of the above-extracted findings returned by the learned Commissioner would show that while carrying out the partition proceedings, all the co-sharers had not been impleaded as party.

9. During the course of hearing of this petition(s), learned counsel for the petitioner(s) was specifically asked to point out from any

material/record to show that all the co-sharers were impleaded as party to the partition application (Annexure P-2), however, he has failed to do so.

10. Apparently since all the co-sharers in the khewat under partition were not impleaded, no fault can be found with the order passed by the learned Commissioner, whereby he has set aside the partition proceedings and remanded the matter to the learned Assistant Collector with a specific direction that the learned Assistant Collector should summon all the remaining parties as per rules, and record their statements and carry out partition proceedings after taking into account possession, quality and frontage of valuable land and also the constructions raised on the land under partition.

11. At this stage, another argument has been raised by learned counsel for the petitioner(s) that learned Commissioner has no jurisdiction in the matter.

12. I have considered the aforesaid contention raised on behalf of the petitioner(s) and I find no merit in the same.

13. Concededly, partition application came to be filed in August 2020. It needs no reiteration that State of Haryana had amended Section 16 of the Haryana Land Revenue Act in April 2017, whereby the powers under Section 16 have been subsequently conferred upon the learned Divisional Commissioner, which otherwise prior to April 2017, were conferred upon the learned Financial Commissioner (in terms of Section 16, as it then existed). Once in terms of Section 16 of the Haryana Land Revenue Act, the revisional jurisdiction is bestowed upon the learned Divisional Commissioner; hence, there is no jurisdictional error in passing of the order

dated 21.01.2026 (Annexure P-15) by the learned Commissioner, Faridabad Division, Faridabad.

14.

In view of the above, I find no merit in the instant writ petition(s) and the same are accordingly dismissed.
15.

All the pending application(s), if any, shall also stand closed.
16.

Photocopy of this order be placed on the connected case files.

30.04.2026

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(HARSH BUNGER)

JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No