



CWP-15339-2026 (O&M)

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

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CWP-15339-2026 (O&M)

Date of decision: 18.05.2026

Baldev Singh and others

....Petitioners

Vs.

State of Haryana and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sumit Sangwan, Advocate
for the petitioners.

Ms. Upasana Dhawan, AAG, Haryana.

HARSH BUNGER J. (Oral)

1 Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari, for setting aside the order dated 16.07.2025 (Annexure P-12) passed by learned Collector, Badhra and order dated 25.03.2026 (Annexure P-14) passed by learned Commissioner, Rohtak Division, Rohtak.

2. Briefly, petitioners' mother namely Smt. Maya Kaur sought partition of joint land measuring 32 kanal - 09 marla comprised in khewat No.21//16, situated at village Dhanasri, Tehsil Badhra, District Charkhi Dadri (as per jamabandi for the year 2020-21).

2.1 It appears that during the pendency of the partition proceedings, Smt. Maya Kaur expired and the present petitioners were impleaded as her legal heirs.



3. In the aforesaid partition proceedings, mode of partition (Annexure P-3) came to be prepared, the relevant clauses thereof reads as under:-

“The following is the mode of partition.

- 1. The land is to be partitioned after taking into consideration the possession and quality, any deficiency would be completed from the adjacent land.*
- 2. Construction, house, tube-well etc. is to be allotted to the kurra of the same person.*
- 3. The land abutting to road is valuable, would be allotted as per their share to all the co-sharers.*
- 4. Two karam wide common passage would be provided as per requirement.*
- 5. Deficiency of 0 Kanal 2 Marlas land would be ignorable.*
- 6. On the basis of objections of respondents and reply filed by the applicant as well statements in writing, in the summoned mode of partition it is also provided that "if any party laid down the pipeline for irrigation then the land would be allotted to that party".*

Mode of partition accepted.”

4. On the basis of the aforesaid mode of partition; Naksha Bey was sought from the field staff. Upon receipt of Naksha Bey from the field staff, objections of the respective parties were called thereto.

4.1 It transpires that the respondent No.5 – Munni Devi submitted her objections to the proposed Naksha Bey. The learned Assistant Collector vide order dated 14.05.2025 (Annexure P-10) dismissed the objections submitted by respondent No.5 and approved the Naksha Bey.



5. Feeling aggrieved against the order dated 14.05.2025 (Annexure P-10), respondent No.5 – Munni Devi along with others preferred an appeal before the learned Collector, Badhra, which came to be allowed vide order dated 16.07.2025 (Annexure P-12), relevant extract of which reads as under:-

“xxx

xxx

xxx

Hence, I, Virender Singh, HCS, Collector, Badhra accepted the appeal being found merit and while exercising powers under Punjab Land Revenue Act, 1887 set aside the order dated 14.05.2025 passed by Ld. Trial Court and the present case is remanded to Assistant Collector, IInd Grade with an order that after hearing objections in terms of mode of partition amended Naksha Kha is prepared. The copy of this order along with the original file of Ld. Trial Court be sent back to the Court for 23.07.2025 for further proceedings. Both parties are directed to appear before Assistant Collector, IInd Grade, Badhra on 23.07.2025. Order pronounced in open Court today on 16.07.2025. File be consigned to the record room after due compliance.”

6. Feeling dissatisfied, the present petitioners preferred an appeal before the learned Commissioner, Rohtak Division, Rohtak, which has been dismissed, vide order dated 25.03.2026 (Annexure P-14),

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

8. Before this Court, learned counsel appearing on behalf of the petitioners, while referring to the site plan submits that in the proposed Naksha Bey, the petitioners have been allocated land comprised in rectangle No.32, killa No.22/3 and that the learned Collector, while remanding the



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matter to the learned Assistant Collector, has stated that the said khasra number be given to the respondents herein.

9. I have considered the aforesaid contention raised on behalf of the petitioners and perused the paperbook with his able assistance.

10. A perusal of the order dated 16.07.2025 (Annexure P-12) passed by learned Collector, nowhere suggests that the particular area is to be given to the respondents herein. Rather the matter has been remanded by the learned Collector with a clear direction that a fresh Naksha *Kha* be prepared after hearing the objections of the parties and in terms of the mode of partition.

11. In my considered view, there is no illegality or perversity in the order dated 16.07.2025 (Annexure P-12) passed by learned Collector, Badhra, whereby the matter has been remanded to the learned Assistant Collector. The aforesaid order has been further affirmed by the learned Commissioner, Rohtak Division, Rohtak.

12. In view of the above discussion, I see no merit in the instant writ petition and the same is accordingly ***dismissed***.

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

18.05.2026

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(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No