



CWP-15668-2026 (O&amp;M)

-1-

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

132

CWP-15668-2026 (O&amp;M)

Date of decision: 19.05.2026

**Jaswant Singh and others**

....Petitioners

Vs.

**Financial Commissioner (Appeals), Punjab and others**

....Respondents

**CORAM : HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. Sherry K. Singla, Advocate  
for the petitioners.

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

\*\*\*\*\*

**HARSH BUNGER J. (Oral)**

1. Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari, for setting aside the final partition order dated 22.02.2019 (Annexure P-8); order dated 14.02.2024 (Annexure P-10) passed by learned Commissioner, Faridkot Division, Faridkot; and order dated 30.03.2026 (Annexure P-14) passed by learned Financial Commissioner (Appeals), Punjab and also the *Sanad Takseem* dated 02.01.2025 (Annexure P-15).

2. Briefly, petitioner No.1 herein (Jaswant Singh), sought partition of joint land comprised in four different khewats by filing two separate partition applications. One partition application (Annexure P-1) was filed in respect of land comprised in khewat Nos. 210 and 211 whereas another partition application (Annexure P-2) was filed in respect of land comprised



in khewat Nos.208 and 209 (as per jamabandi for the year 2011-12), situated at village Bajak, Tehsil and District Bhatinda.

3. It transpires that the learned Assistant Collector vide order dated 15.05.2018 (Annexure P-5) directed that partition be carried out by clubbing both the partition applications. Thereafter, vide order dated 06.06.2018 (Annexure P-6), a joint mode of partition was prepared and *Naksha Bey* was called from the field staff.

4. On receipt of *Naksha Bey* on the Court file, the objections of the respective parties were called thereto, whereby petitioner No.1 submitted his objections dated 22.02.2019 (Annexure P-7), however, since no substance was found in the said objections, accordingly, learned Assistant Collector vide order dated 22.02.2019 (Annexure P-8) came to the conclusion that no amendment in *Naksha Bey* was required and accordingly he approved *Naksha Bey*.

5. Feeling aggrieved against the order dated 22.02.2019 (Annexure P-8) petitioner No.1- Jaswant Singh preferred an appeal before the learned Collector, who vide order dated 05.04.2022 (Annexure P-9) set aside the order dated 22.02.2019 (Annexure P-8) and remanded the matter to the learned Assistant Collector to re-examine the case.

6. Feeling dissatisfied, respondent No.5 Kanwarjit Singh preferred an appeal before the learned Commissioner, Farikdot Division, Faridkot, which came to be allowed vide order dated 14.02.2024 (Annexure P-10) whereby the order dated 05.04.2022 (Annexure P-9) was set aside and a



direction was issued to the learned Assistant to conclude the partition proceedings.

7. Feeling aggrieved, petitioner No.1- Jaswant Singh, preferred a revision (ROR No.418 of 2024) before the learned Financial Commissioner, Punjab, which has been dismissed vide order dated 30.03.2026 (Annexure P-14).

8. It appears that in the interregnum, the learned Assistant Collector concluded the partition proceedings by drawing *Sanad Takseem* dated 02.01.2025 (Annexure P-15).

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

10. Before this Court, learned counsel appearing for the petitioner has submitted that the Revenue Authorities below have not considered his objections to *Naksha Bey*. He submits that the petitioner No.1 was in possession of khasra No.881, however the said khasra number has not been completely allocated to him and out of the said khasra No.881, an area measuring 04 kanal - 10 marla has been wrongly allocated to Kanwarjit Singh (respondent No.5 herein). He further submits that the petitioner has been wrongly allocated 03 kanal – 16.5 marla area in khasra No.476/9, whereas he was never in possession of the said area.

10.1 It is next submitted that in khasra No.434, the petitioner No.1 had installed his motor/bore in 04 marla area, however, the same has been wrongly kept as joint land.



10.2 It is also submitted that in the *Naksha Bey*, the petitioner No.1 has been allocated land comprised in khasra Nos.433/3/1, 432/2/2/1, 433/2/3 and 432/2/1/2, however, no watercourse has been provided for the irrigation of the said area.

10.3 With the aforesaid submissions, prayer has been made for setting aside the partition proceedings and remanding the matter back to the learned Assistant Collector for deciding the partition case afresh.

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

12. As regards the first contention of the petitioner that he was in possession of khasra No.881, it is noticed that partition applications were filed by petitioner No.1 himself on the basis of jamabandi for the year 2011-12 (Annexure P-3), wherein, the area comprised in khasra No.881/2 was recorded as 14 kanal - 10 marla, and the said area is not shown in exclusive possession of any particular co-sharer as the entry reflected in the cultivation column of the said khasra number is "*khudkasht*" i.e. joint possession of all the co-sharers. Since the petitioner No.1 is not shown in exclusive possession of khasra No.881/2, accordingly in my considered view, he cannot claim allocation of complete area comprised in khasra No.881/2 i.e. 14 kanal - 02 marla, as a matter of right.

12.1 Rather during the course of hearing of this petition, learned counsel for the petitioners has very fairly stated that out of khasra No.881/2,

**CWP-15668-2026 (O&M)****-5-**

the petitioner No.1 has already been allocated land to the extent of 10 kanal - 10 marla, by carving out a new khasra No. i.e. 881/2/2.

12.2 That apart, it is noticeable that even as per the jamabandi for the year 2021-22 (although the same shall have no relevance as far as the partition proceedings are concerned), the petitioner No.1 – Jaswant Singh is shown to be in possession of 08 kanal - 03 marla area comprised in khasra No.881/2(min). In view of the above, I am of the considered view, that the petitioners have already been given sufficient land comprised in khasra No.881/2, and there is no justification for allotting him the entire khasra No.881/2, accordingly, the first contention of the petitioner is rejected

13. As regards the second contention, that the petitioner No.1 has been wrongly allotted 03 kanal – 16.5 marla area comprised in khasra No.476/9, although he was not in possession thereof, suffice it to say, that in the partition proceedings, the blocks (kurras') of the respective co-sharers are to be carved out in such a manner that the distribution of the land is fair, just and equitable. It is also to be ensured that co-sharers get the land as per their due entitlement (after deducting proportionate area for the land utilized for common purposes, providing of *rasta* etc).

13.1 In the present case, in case the petitioner No.1 has been allotted 03 kanal – 16.5 marla area comprised in khasra No.476/9, in order to fulfill his entitled area, in that eventuality, no found can be found with the same, especially, when it is not shown as to what prejudice has been caused to the



petitioners by allotment of the said area comprised in khasra No.476/9 to the petitioner No.1.

14. As regards the third contention, that the petitioner No.1 has not been allotted 04 marla area comprised in khasra No.434, wherein he claims to have installed a motor and a bore, it is observed that the petitioner has not referred to any material to substantiate the aforesaid plea, and accordingly the said contention is rejected.

15. As regard the other contention of the petitioner No.1 that no watercourse has been provided for the irrigation of his area, suffice it to say, the petitioners have not placed on record copy of any *Warabandi* to indicate the existence of the watercourse within the land under partition.

16. Be that as it may, in case the petitioner requires irrigation from any outlet/watercourse, in that eventuality, the petitioners are well within their rights to approach the concerned Canal Authorities with an appropriate prayer.

17. Apart from the above, learned counsel for the petitioners has failed to point out as to what prejudice has been caused to the petitioners by the manner in which the partition has been carried out and/or the manner in which the land has been allocated to the respective co-sharers in the final partition proceedings. It is well established that partition can never be carried out with mathematical precision and some adjustments are always required to be made considering various factors like number of co-sharers in the joint land, shape of the land parcels/pockets under partition, location of land

**CWP-15668-2026 (O&M)****-7-**

(whether abutting the road/passage or near to village abadi or town etc.), nature/value of land, source of irrigation, existing possession of the parties, provisioning of passage(s)/water-course(s), construction of hutments/houses etc. There may be other factors as well which may call for carving out of blocks of respective co-sharers, in a particular manner.

18. Considering the totality of circumstances, I see no illegality or perversity in the present proceedings, which may warrant interference by this Court. Resultantly, the instant writ petition fails and the same is accordingly ***dismissed***.

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

**19.05.2026***Ankit***(HARSH BUNGER)  
JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No