

2026:PHHC:085117



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

**CWP-16775-2026 (O&M)
Date of Decision: 26.05.2026**

Daler Singh

..... Petitioner

Versus

Financial Commissioner (Revenue), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. S.S. Salar, Advocate
for the petitioner.

Mr. Harpreet Singh, AAG, Punjab.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for setting aside the order dated 15.11.2023 (Annexure P-5) passed by the learned Financial Commissioner (Revenue), Punjab.

2. The relevant extract of the impugned order dated 15.11.2023 (Annexure P-5) passed by the learned Financial Commissioner (Revenue), Punjab, reads thus:-

“5. I have considered the arguments advanced by the Ld. Counsel for the petitioners and have also gone through the records of the lower court. The case of the petitioner is that Amar Singh (their predecessor in interest) had wrongly been shown to have sold the land comprising in Kh. No. 12//16 (8-0), in place of Pakhar Singh, who actually sold the land. Resultantly, their share has been reduced in the revenue record. In support of this contention the petitioners have

appended photocopies of Mutation No. 286, sanctioned in the name of vendees of Pakhar Singh, as well as the Fard Jamabandi of 1997-98.

6. From perusal of the record of AC Ist, it appears that the above plea was not taken by the petitioners before the AC Ist grade at the appropriate stage of partition proceedings and even the Civil Suit for declaration was also instituted on 30.09.2016 i.e. after passing of Naksha Irri on 13.07.2016. However, from the documents appended with the petition, it is abundantly clear that Pakhar Singh had sold the said land measuring 8K-OM comprising Kh. No. 12//16, vide sale deed dated 08.11.1996 to Major Singh and Dharam Singh s/o Surjit Singh and accordingly mutation was also sanctioned in the name of these vendees. But in the jamabandies, instead of Pakhar Singh, name of Amar Singh (predecessor in interest of the petitioners) has been changed/shown as vendor. As a result of the above mistake, total share of the petitioners has been reduced in the khewat comprising of 139K-2M land. This mistake is attributed to the revenue authorities and the petitioners should not have been made to suffer due to fault on the part of revenue authorities. Nevertheless, now the Court of Addl. Civil Judge (Senior Division), Fatehgarh Sahib, vide judgment and decree dated 02.02.2022 has partly decreed the suit of the petitioners No. 1-4 to the effect that they are declared as owner in possession of 19 kanal 7 marlas of land out of total suit property measuring 139 kanal 2 marlas, which is part of the land under partition. Consequent to this judgment/decreed, the share of the petitioners has to be corrected/updated in the revenue record.

7. In view of the above position, the present partition proceedings, based on the wrong revenue entries, are not sustainable. Accordingly, I have no hesitation in accepting the present petition. The impugned orders, including the Sanad Takseem, are thus hereby set aside.

8. Needless to say after correction/ updation of revenue record, in terms of Civil Court decree, any interested party may approach the revenue authorities for partition of land afresh, in accordance with law.”

3. A perusal of the above extracted observations made by the learned Financial Commissioner (Revenue), Punjab, would show that the partition proceedings were set aside on the ground that prior to initiation of the said proceedings, a Sale Deed dated 08.11.1996 had already been executed by one Sh. Pakhar Singh in favour of Sh. Major Singh and Sh. Dharam Singh, both sons of Sh. Surjit Singh, and mutation *qua* the said sale had also been sanctioned in their favour. However, the consequential changes in the ownership column of the *Jamabandi* were not incorporated, which resulted in reduction of the shares of the private respondents herein.

3.1 It has further been noticed that the private respondents had also instituted a Civil Suit, which came to be partly decreed vide judgment and decree dated 02.02.2022 passed by the learned Additional Civil Judge (Senior Division), Fatehgarh Sahib, whereby they were declared owners-in-possession of the land measuring 19 Kanal-7 Marla, out of the total suit property measuring 139 Kanal-2 Marla, which also formed part of the partition proceedings.

3.2 Thus, in view of the error in recording the correct revenue entries in the *Jamabandi*, coupled with the fact that the Civil Court had partly decreed the suit in favour of the private respondents herein, declaring them owners-in-possession of the aforesaid land, which formed part of the partition proceedings, and further in order to comply with the terms of the Civil Court decree, the learned Financial Commissioner (Revenue), Punjab, deemed it appropriate to set aside the partition proceedings. However,

liberty was granted to the co-sharers to approach the revenue authorities for seeking fresh partition of the land in accordance with law.

4. Learned counsel for the petitioner has failed to dispute the aforesaid factual observations recorded by the learned Financial Commissioner (Revenue), Punjab, vide order dated 15.11.2023 (Annexure P-5).

5. Since there was an error in the revenue record and the partition proceedings had continued on the basis thereof, resulting in incorrect possession having been delivered to the parties concerned, and further in view of the judgment and decree dated 02.02.2022 passed by the learned Additional Civil Judge (Senior Division), Fatehgarh Sahib; I find no compelling reason which may warrant interference by this Court in the impugned order dated 15.11.2023 (Annexure P-5) passed by the learned Financial Commissioner (Revenue), Punjab.

6. It is also noteworthy that although the impugned order passed by the learned Financial Commissioner (Revenue), Punjab, is dated 15.11.2023 (Annexure P-5), however, the present writ petition has been instituted only in May, 2026.

7. No other argument was raised/pressed.

8. Keeping in view the aforesaid facts and circumstances, the instant writ petition fails and the same is, accordingly, dismissed.

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

26.05.2026
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No