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

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CWP-17395-2025 (O&M)
Date of decision: 14.01.2026

Gurpreet Kaur and others

....Petitioners

Vs.

State of Haryana and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Kushagra Beniwal, 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 25.04.2023 (Annexure P-3) passed by learned Assistant Collector 1st Grade, Assandh, District Karnal whereby the petitioners were proceeded against ex parte in the partition proceedings.

1.1 A further prayer has been made for setting aside the order dated 23.04.2025 (Annexure P-6) passed by learned Commissioner, Karnal Division, Karnal.

2. Briefly, the respondents No.4 to 8 herein sought partition of joint land measuring 611 kanal - 19 marla comprised in khewat No.72 (as



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per jamabandi for the year 2016-17) situated at village Billauna, Tehsil Assandh, District Karnal.

3. The partition application dated 22.07.2019 (Annexure P-1) came to be considered by the learned Assistant Collector, who issued notices to the co-sharers/respondents in the partition application on 22.07.2019, 14.08.2019 and 05.09.2019. It appears that since the other co-sharers/respondents in the partition application were not coming forward, accordingly learned Assistant Collector, directed service upon the co-sharers by way of proclamation (*mustri munadi*) in the village.

4. Upon receipt of munadi report on the file and considering the non-appearance of the co-sharers/respondents in the partition application, the learned Assistant Collector initiated ex parte proceedings vide order dated 13.03.2020 (Annexure P-2). Thereafter, it appears that mode of partition came to be prepared on 09.08.2022, and Naksha *Bey* came to be approved on 07.03.2023 followed by Naksha *Jeem* on 31.03.2023 and the partition proceedings concluded with the drawing of *Sanad Takseem* dated 25.04.2023 (Annexure P-3).

5. It transpires that on 25.07.2024, petitioners preferred revision petition before the learned Commissioner, Karnal Division, Karnal, which was dismissed vide order dated 23.04.2025 (Annexure P-6).

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

7. Learned counsel for the petitioners submits that petitioners No.1, 2 and 6 were never made party in the partition application and that the

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legal heirs of petitioners No.3 and 5 were also not impleaded, therefore, the partition proceedings are bad in the eyes of law, accordingly the same be set aside.

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

9. As per the petitioners' own pleaded case in the writ petition, the partition application came to be filed on 22.07.2019, whereas the petitioner No.1 - Gurpreet Kaur is stated to have purchased the land measuring 08 kanals out of joint Khewat No.72 (which is subject matter of the partition) on 13.09.2021 i.e. after the filing of the partition application. In view of the admitted fact that the petitioner No.1 - Gurpreet Kaur had purchased land after the filing of the partition application, there was no occasion for respondents No.4 to 8 to have impleaded petitioner No.1 as party in the partition proceedings.

9.1 Furthermore, as regards petitioners No.2 and 6 are concerned, it is observed from perusal of memorandum of parties that petitioner No.2 (Hardeep Kaur) was impleaded as respondent No.18 in the partition application, however, there appears to be a typographical mistake therein inasmuch as instead of Hardeep Kaur, Hardeep Singh has been written. Same is the position in respect of petitioner No.6 as well i.e. Mehar Singh son of Sh. Arjun Singh whose name in the partition application is reflected as Major Singh son of Sh. Arjun Singh.

10. As far as the petitioners No.3 and 5 are concerned, concededly petitioner No.3 expired on 06.09.2019 and petitioner No.5 expired on

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08.04.2020. Evidently, both the petitioners No.3 and 5 expired after the filing of the partition application, however, it is not forthcoming from any material on record as to when their legal heirs got the estates of petitioners No.3 and 5 mutated in their names in the revenue records.

10.1 At first glance, the submission advanced on behalf of the petitioners, that petitioner Nos. 2 and 6 were not impleaded in the partition application due to incorrect depiction of their names, appears to carry some merit. However, upon closer scrutiny, it emerges from Annexure P-13 (translated copy of Naksha Alif) that the correct names of the petitioners were, in fact, duly reflected at Serial Nos. 9, 14 to 16, 18, 22 and 23 of Naksha *Alif*.

10.2 Even if it is assumed that the notices/registered notices issued to the petitioners were not served upon them, however, there is nothing on record to dispute the fact that proclamation (*mustri munadi*) was carried out in the village, which is also one of the modes adopted by the learned Assistant Collector for serving the co-sharers in the partition application. Service through *munadi* is one of the accepted modes prescribed under Section 20 of the Haryana Land Revenue Act, 1887 for effecting service upon the co-sharers in the partition proceedings. In the absence of any material on record to indicate that no *munadi* (proclamation) was carried out in the village, it has to be taken that the petitioners were aware of the partition proceedings and they intentionally stayed away for the reasons best known to them.



11. Be that as it may, learned counsel for the petitioners was called upon to demonstrate, as to what prejudice has been caused to the petitioners by the manner in which the partition has been conducted between the co-sharers, however, learned counsel for the petitioners has failed to respond to the same. He fairly conceded that along with the writ petition, he has not placed any material either in the form of *Naksha Bey*, *Naksha Jeem* or even a site plan to show any prejudice caused to the petitioners by the manner in which blocks of the respective co-sharers have been carved out.

12. It is not the case of the petitioners that they have not been allotted area as per their due entitlement or that they have suffered any loss of share in the partition proceedings. It has also not been pointed out as to whether any inferior quality land has been allotted to petitioners and/or that they have been discriminated in the matter of allotment of valuable or more preferential areas out of land under partition.

13. It is well-settled by now that the application of principles of natural justice depends upon the facts and circumstances of each case. It also needs no reiteration that the rules of natural justice are flexible and cannot be put on any rigid formula. Hon'ble Supreme Court in case of ***"Gadde Venkateswara Rao vs Government Of Andhra Pradesh and others"***, AIR 1966 Supreme Court 828, held that unless failure of justice is occasioned, the Court may refuse to exercise the extraordinary jurisdiction vested in it.

13.1 Still further, in case of ***"Karnataka State Road Transport Corporation & Another Vs. S.G. Kotturappa & Another"***, 2005 (3) SCC 409, the Hon'ble Supreme Court has observed that the question as to what

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extent, principles of natural justice are required to be complied with would depend upon the factual situation in each case. It is further held that principles of natural justice cannot be applied in vacuum nor they can be put in any straightjacket formula.

14. Keeping in view the above discussion, once the petitioners have failed to show, as to what prejudice has been caused to the petitioners in the partition proceedings and/or the manner in which the areas have been allocated to respective co-sharers in the partition proceedings, I see no compelling reasons which may warrant interference in the present proceedings by this Court and the instant petition is ***dismissed*** accordingly.

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

14.01.2026*ankit***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No