

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

246

LPA-180-2015 (O&M)
Date of Decision :28.01.2026

Ram Chander and others

...Appellants

Versus

State of Haryana & others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Ishnoor Singh, Advocate for the appellants.

Mr. Aman Mittal, DAG, Haryana.

Mr. Amit Jain, Senior Advocate with
Mr. Chetan Slathia, Advocate for respondents No.5 to 35.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present appeal, the challenge is to the impugned order dated 20.01.2015 passed by the learned Single Judge of this Court in CWP-659-2013 by which, the challenge raised to the partition proceedings, at the hands of the appellants, has been rejected.

2. Learned counsel appearing for the appellants argues that the land which has been given to them falls under the 'river action' as river Yamuna passes through some part of their land which is causing prejudice to the appellants and this fact has not been appreciated either by the revenue authorities while partitioning the land between the co-sharers or by the learned Single Judge of this Court while passing the impugned order where the dispute raised qua the partition was adjudicated between the co-sharers.

3. Learned counsel for the appellants further argues that the appellants are entitled to their share in each category of land which was

formulated by the revenue authorities for partitioning the land between the co-sharers whereas, the same has not been done and, therefore, is prejudicial to them.

4. Learned Senior counsel appearing for the private respondents argues that while partitioning the land measuring 1687 kanals and 14 marlas in total, the same was bifurcated into three categories. In the category 'A', 511 kanals and 07 marls of land was identified, out of which, the share of the appellants came out to be 71 kanals and 06 marlas whereas, appellants have been given 90 kanals and 10 marlas.

5. Learned Senior counsel appearing for the private respondents submits that the area divided into category 'B' was measuring total 330 kanals and the share of the appellants was 49 kanals whereas, they have been given 162 kanals and 06 marlas.

6. Learned Senior counsel for the private respondents further submits that the appellants have been given more share in category 'B' for the reason that in category 'C', measuring 846 kanals and 07 marlas, the same was termed as a 'disputed territory' between the State of Haryana and Uttar Pradesh and, therefore, the proceedings under Section 145 of the Cr.P.C were initiated and the appellants resisted allotment of land in the said category 'C' and therefore, in order to make upto their total entitlement of the appellants as per their share qua the partition, they have been given land only in category 'A' and category 'B'. Learned Senior counsel for the private respondents submits that entire disputed land in category 'C' has been given to the private respondents

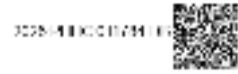
7. Learned Senior counsel for the private respondents submits that even during the partition proceedings, the land in category 'C' measuring

846 kanals and 07 marlas, an offer was given to the appellants to take their share but they refused and this fact finds mention in the partition proceedings itself at page No.54 of the paper book in the present appeal.

8. We have heard learned counsel for the parties and have gone through the record with their able assistance.

9. It may be noticed that once, the revenue authorities had bifurcated and offered the land in question to the appellants according to their ownership/share in all the three categories of 'A' 'B' & 'C' and it was the appellants who refused to take even an inch of land of category 'C', which was disputed land, the learned counsel for the appellants cannot be allowed to argue that in the other two categories, they should be given the land of their choice and that too by ignoring the claim that in category 'C' which is a disputed land, the same has come to the share of respondents in totality.

10. It may be noticed that it was only on the request of the appellants that they have been allotted land in category 'A' and category 'B' and that their total share in the category 'C' has also been adjusted in the above mentioned two categories. Hence, now that the appellants have got more quantity of land than their entitled share in category 'A' and category 'B', they cannot be allowed to raise a challenge that even the said land should be of good quality. The land allotted to the appellants beyond their entitlement in category 'A' and category 'B' cannot be as per the wishes of the appellants. In other words, if they have preferred quantity of land over the quality of land through their conduct by not accepting to have even an inch of land in category 'C', the appellants cannot be allowed to raise a ground that their entire land should be of good quality even in category 'A'



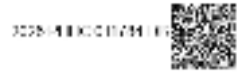
and category 'B'.

11. It may be noticed that in category 'C', the share of the appellants was 126 kanals, which they got adjusted in category 'A' as well as category 'B'. Once the same has been adjusted at the request of the appellants, the appellants cannot be allowed to say that in the said categories also, they should be given the better land so as to oust the private respondents. Once, the assertion of the appellants that they should be granted their total share in category 'A' and 'B' land, ignoring their share of 126 kanals in the disputed land which falls in category 'C', the order passed by the authorities apportioning the land after taking into consideration the assertion of the appellants that they should not be allotted any piece of land in category 'C', which is a disputed land, the order partitioning the land which has been upheld by the learned Single Judge of this Court, cannot be treated as arbitrary or illegal as the said partitioning has been done only on the request of the appellants.

12. Further, even during the course of hearing, learned senior counsel for the private respondents was very fair to offer that in case the appellants want their 126 kanals in category 'C', the same can be done even at this stage, to which the appellants refused.

13. Learned counsel appearing for the appellants argues that the land which was disputed and was put in category 'C' could not have been partitioned.

14. It may be noticed that no such argument was raised before the revenue authorities or before the learned Single Judge of this Court and hence, the same cannot be allowed. Once, the appellants have participated in the partition of entire land and have also agreed that all the disputed land



in category ‘C’ should be allotted to the respondents, they now cannot turn around.

- 15. No other argument has been raised.
- 16. Keeping in view the facts and circumstances recorded hereinbefore, no ground for interference by this Court is made out and the present appeal is accordingly dismissed.
- 17. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

January 28, 2026

aarti	Whether speaking/reasoned :	Yes
	Whether reportable :	No