

110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21101-2025 (O/M)

Date of decision : 27.01.2026

Gurmail Singh

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Sunny K. Singla, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

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HARSH BUNGER, J. (ORAL)

1. Prayer in this civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside order dated 19.09.2022 (Annexure P-3) and order date 14.12.2022 (Annexure P-4), passed by Assistant Collector 1st Grade, Patiala (in short 'Assistant Collector'); order dated 28.08.2023 (Annexure P-6), passed by learned Collector, Patiala (in short 'Collector') and also order dated 03.04.2025 (Annexure P-8), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner').

2. Briefly, respondent No. 4 (Dhanna Singh) sought partition of joint land measuring 27 Kanal – 8 Marla, situated at village Madho Majra, Tehsil and District Patiala, wherein petitioner, who was arrayed as

respondent No. 2, appeared before Assistant Collector and submitted his reply.

2.1 In the aforesaid partition proceedings, following mode of partition was approved :-

- “1. The total land area under partition is 27 kanals 08 marla in village Maddo Majro, Tehsil and District Patiala, in which applicant is the co-owner.*
- 2. The land will be partitioned by maintaining possession. A separate pocket (Tuck) of applicant will be established. If there is road front, the parties will be allotted according to the share. As per the requirement, a passage and water course (khaal) will be established.*
- 3. A separate pocket/tuck of applicant and a separate common/consolidated pocket/tuck of all respondents will be established.*
- 4. The party, in whose are the tubewells/bores are installed, will be allotted that area.*
- 5. If a bank loan has been taken by any party, then the area that falls under that party's share will be considered as mortgaged without possession (Aad-Rehan).*
- 6. In case the area of the khewat decreases or in case any party sells more than its share, the area will be deducted from the last buyer.*
- 7. The documents for the partition will be prepared by the Kanungo Halqa and the stamps will be produced by the applicant for Sanad Taksim.*
- 8. A deficiency of 2 biswas or 3 marlas may be ignored.”*

2.2 On the basis of aforesaid mode of partition, Naksha 'bey' was called from the field staff.

2.3 Upon receipt of Naksha 'Bey' from the field staff, objections of parties were called, whereupon petitioner submitted his objections to proposed Naksha 'Bey'.

2.4 It appears that objections submitted by petitioner to the proposed Naksha 'Bey' were dismissed, vide order dated 19.09.2022 (Annexure P-3) and Naksha 'Zeem' was called from the field staff.

2.5 Upon receipt of Naksha 'Zeem' on case file, petitioner submitted his objections to Naksha 'Zeem' as well; however, vide order dated 14.12.2022 (Annexure P-4), said objections were also dismissed.

2.6 Feeling aggrieved against orders dated 19.09.2022 (Annexure P-3) and 14.12.2022 (Annexure P-4), whereby Naksha 'Bey' and Naksha 'Zeem' were approved, petitioner preferred an appeal before learned Collector, which was dismissed, vide order dated 28.08.2023 (Annexure P-6).

2.7 Still aggrieved, petitioner preferred a revision before learned Financial Commissioner, which has also been dismissed, vide order dated 03.04.2025 (Annexure P-8).

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition before this Court for seeking relief (s), as noticed hereinabove.

4. Learned counsel for petitioner submits that the revenue authorities have erred in carrying out the partition proceedings inasmuch as that petitioner has been allotted land less than his due entitlement. It is submitted that petitioner is co-owner to the extent of 13 bigha – 14 biswa, whereas he has been allotted land to the extent of 6 bigha – 13-2/3 biswa,

which is less than his due entitlement. It is next submitted that 3 karam wide passage has been provided to the block of petitioner, which has resulted in wastage of land. It is contended that only 2 karam wide rasta should have been provided. It is further submitted that petitioner has not been provided land adjoining to road, which has caused injustice to petitioner. On the basis of aforesaid submissions, prayer has been made for setting aside impugned orders/partition proceedings.

5. Heard.

6. As regards first contention raised on behalf of petitioner that he has not been allocated land as per his due entitlement, it is observed that petitioner has not placed on record copy of Naksha 'Alif' or Naksha 'Urur' on case file, so as to show his entitlement in the joint land. In the absence of Naksha 'Urur', the aforesaid contention of petitioner that he has not been allocated land as per his due entitlement, cannot be appreciated and same is accordingly, rejected.

6.1 As regards second contention that the revenue authorities have wrongly provided 3 karam wide passage to the area of petitioner instead of 2 karam, it is observed that in the given circumstances, if the revenue authorities below have deemed it appropriate to provide 3 karam wide passage to area of petitioner, in that eventuality, no fault can be found with the same as no prejudice has been shown to have been caused to petitioner with the provisioning of 3 karam wide passage instead of 2 karam wide passage; moreso when the area utilized for providing the said passage has been deducted proportionately from the area of all co-sharers in the joint khewat. Accordingly, the said contention raised on behalf of

petitioner is also found to be without merit and same is accordingly, rejected.

6.2 As regards third contention raised on behalf of petitioner that he has not been provided land adjoining to road, it is observed from site plan (Annexure P-2) that only a small portion of land touches the main passage. In case, each co-sharer is to be provided some frontage on main passage then owing to the fact that only small area of land under partition touches the main passage, provisioning of proportionate frontage on the main passage to each co-sharer would lead to creation of strips/fragmentation of land, which may not be appropriate for cultivation purposes.

6.3 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 parcel under partition, location of land (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. Hence, third contention raised on behalf of petitioner is also rejected.

7. Considering the totality of circumstances, I see no compelling reason, which may warrant interference of this Court in impugned orders/partition proceedings.

8. Resultantly, this civil writ petition fails and same is accordingly, dismissed.

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

(HARSH BUNGER)
JUDGE

27.01.2026
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No