

CWP-29620-2025 (O&M)

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

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CWP-29620-2025 (O&M)
Date of Decision: 21.05.2026

Phool Singh and others

..... Petitioners

Versus

The Commissioner, Gurugram Division and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Amit Jain, Advocate, for the petitioners.

Ms. Upasana Dhawan, AAG, Haryana

Ms. Kushaldeep Kaur, Advocate, and
Ms. Sharvi Dadhwal, Advocate,
for respondents No.3, 15 to 17.

HARSH BUNGER J. (ORAL)

Present writ petition has been filed under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of *Certiorari* for setting aside the order dated 12.04.2024 (Annexure P-7) whereby the petitioners were proceeded against *ex parte* in the partition proceedings; order dated 26.04.2024 (Annexure P-8) whereby *Naksha Alif* was approved; order dated 07.05.2024 (Annexure P-10) whereby mode of partition was approved; order dated 11.06.2024 (Annexure P-11) whereby *Naksha Bey* was approved; order dated 14.06.2024 (Annexure P-12) whereby *Naksha Jeem* was sanctioned and order dated 14.06.2024 (Annexure P-13) whereby



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Sanad Taksim was issued.

1.1 A further prayer has also been made for setting aside the order dated 20.03.2025 (Annexure P-16) passed by the learned Commissioner, Gurugram Division, Gurugram, whereby revision petition preferred by the petitioners challenging the partition proceedings, has been dismissed.

2. Briefly, respondent No.3 sought partition of joint land comprised in Khewat No.228 total land measuring 40 Kanal 02 Marla situated at village Palda, Sub-Tehsil Badshahpur, District Gurugram (as per *jamabandi* for the year 2020-21). It appears that in the aforesaid partition proceedings, the petitioners were proceeded against *ex parte* vide order dated 12.04.2024 (Annexure P-7). Thereafter, *Naksha Alif* came to be approved vide order dated 26.04.2024 (Annexure P-8) and mode of partition came to be sanctioned vide order dated 07.05.2024 (Annexure P-10). The relevant clauses of mode of partition read as under:-

“1. That in the above titled case, the land subject matter of partition is comprised in Khewat No.228, Khata No.239, M. No. 27, Killa No. 4/3/2 (0-4), 5/1/1/2(2-7), 7/1/2 (3-12), M. No. 39, Killa No. 9/2 (4-0), 11 (8-0) 12/1 (4-0), 17/2/3/2 (0-8), 18/2/3 (1-11), 19 (8-0), 20 (8-0) total Kitta 10 area measuring 40 Kanal 02 Marla situated within the revenue estate of village Palda, Sub Tehsil Badshahpur, District Gurugram.

2. That 2 Khewats shall be carved out of agricultural land subject matter of partition. First Khewat shall be carved out for Applicant and respondent nos. 20, 21, 22 and Second Khewat shall be carved out for respondent nos. 1 to 19 and 23 to 27.

3. That while conducting partition of agricultural land subject matter of the partition, possession, type and value be kept into consideration and for making good the kami beshi, deficiency if any, if required, possession can be disturbed.



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4. *That principles of consolidation shall be kept into consideration while conducting partition and trees/plants be kept intact.*

5. *That passage shall be provided as per necessity and if agricultural land is adjoining passage/road then front shall be allotted as per share.*

6. *That partition same shall be conducted by Halqa Girdawar. The total expenses Rs.3500/- has been fixed which shall be paid by both the parties.”*

3. On the basis of the aforesaid mode of partition, *Naksha Bey* was sought from the field staff.

3.1. Upon receipt of *Naksha Bey* on the Court file, the same was approved vide order dated 11.06.2024 (Annexure P-11) followed by *Naksha Jeem* dated 14.06.2024 (Annexure P-12) and the partition proceedings concluded with the drawing of *Sanad Taksim* dated 14.06.2024 (Annexure P-13).

4. The petitioners challenged the aforesaid partition proceedings/*Sanad Taksim* by filing a revision petition before the learned Commissioner, Gurugram Division, Gurugram, which has been dismissed vide order dated 20.03.2025 (Annexure P-16).

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

6. On 04.05.2026, the following order was passed by this Court:-

“Learned counsel for the petitioners while referring to site plan [(Annexure P-11), at Page 93], submits that in the partition proceedings, a separate khewat of respondents No.3 and 15 to 17 has been carved out, in terms of sanctioned Mode of Partition (as depicted in ‘green’ colour). He further submits that the land under partition comprises two pockets, and in the



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second (smaller) pocket, respondents No.3 and 15 to 17 have been allotted area in a manner which has resulted in bifurcation of the remaining land under partition. Learned counsel for the petitioners contends that the petitioners are also ready and willing to amicably resolve the dispute with respondents No.3 and 15 to 17.

Notice to respondents No.3 and 15 to 17, at this stage.

'Dasti' only.

List on 12.05.2026.

*To be taken up in the **Urgent List.***"

6.1 In response, respondents No.3 and 15 to 17 have appeared through their counsel.

7. Today, learned counsel appearing for respondents No.3 and 15 to 17 has pointed out that the aforesaid respondents would have no objection for alignment of area allocated to them in the second (smaller) pocket, however, she submits that in fact on both sides of the area allocated to the aforesaid respondents, it is the petitioner(s), who have raised the construction and no other land is available at the site, except the land which has been allocated to them in Rect. No.27 Killa No.7/1/2. She has further produced photographs of the site in question showing construction on both sides of the vacant area which has been allotted to respondents No.3 and 15 to 17. Copies of the said photographs have been handed over to learned counsel for the petitioners as well and he fairly admits that on both sides of the area which has been allocated to respondents No.3 and 15 to 17, it is the petitioner(s), who have raised house, office, zym and boundary walls etc. The said fact is further admitted by the petitioners in para 19(g) of the present writ petition, the relevant extract of which reads as under:-

"... It is submitted herein that petitioners are in actual physical



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exclusive possession of M. No. 27, Killa No. 7/1/2, 4/3/2 and 5/1/1/2 as per their share since long as petitioners have constructed boundary wall, house, office, gym and have installed two tubewells and further, there are about One Lac bricks which are lying on the spot in these Killa numbers. It is further submitted herein that petitioners are also in actual physical exclusive possession of M. No. 30, Killa No. 17/2/3/2, 18/2/3 and 19 as per their share since long as there exists boundary wall and house, as is reflected in jamabandi for the year 2020-21 (P-2) also but Ld. Courts below have failed to conduct spot inspection while conducting the partition, wrongly and illegally. The copy of Khasra Girdawari for period 06.10.2016 to 0.09.2024 is attached as Annexure P-17. Hence, impugned orders as well as entire partition proceedings is illegal being against record.”

8. When the aforesaid aspect is seen in the light of clause No. 3 of the approved mode of partition, which provides that the partition shall be carried out by keeping in view the possession, type and value of land and the petitioners themselves having raised construction on both sides of the vacant area (which has been allocated to respondents No.3 and 15 to 17), no fault can be found by the manner in which the blocks (kurrahs) of respective co-sharers have been carved out.

8.1 It is also required to be noticed that even the learned Commissioner vide order dated 20.03.2025 (Annexure P-16) has recorded that the petitioners have been allocated land abutting the main road as well as the specific portions whereon they claim substantial constructions exist, the relevant extract of which reads as under:-

“11. Having carefully considered the lower court record, detailed submissions, and written arguments of both parties, this court finds no substantial reason to interfere with the



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impugned orders passed by the Assistant Collector 2nd Grade, Badshahpur. The primary contention of the petitioners was regarding non-service of summons, improper Munadi, and overlooking their long-standing constructions on certain portions of land. However, upon scrutiny of the sanctioned Naksha-B, it is evident that these concerns have already been adequately addressed. The petitioners have explicitly been allocated land abutting the main road as well as the specific portions in Mustil No. 27, Killa Nos. 4/3/2, 5/1/1/2, 17/2/3/2, 18/2/3, 19, and a major portion of Killa No. 7/1/2, precisely the areas on which they claim substantial constructions exist. Thus, it cannot be said that any genuine prejudice or injustice has been caused to the petitioners. In these circumstances, no interference with the partition proceedings already concluded is necessary or warranted and accordingly the impugned orders passed by the Assistant Collector 2nd Grade are affirmed.”

9. Keeping in view the above discussion, I see no compelling reason which may warrant interference by this Court in the concluded partition proceedings. Resultantly, the present writ petition fails and the same is accordingly, dismissed.

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

21.05.2026
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(HARSH BUNGER)
JUDGE

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