



CWP-35019-2025 (O&M)

-1-

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

125

CWP-35019-2025 (O&M)

Date of decision: 22.01.2026

Sukhbir Singh and others

....Petitioners

Vs.

State of Haryana and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Shiv Kumar, 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 24.01.2019 (Annexure P-4) passed by learned Assistant Collector 2nd Grade, order dated 14.01.2021 (Annexure P-9) and *Sanad Takseem* dated 21.01.2021 (Annexure P-10) passed/issued by learned Assistant Collector 1st Grade, Dayalpur.

1.1 A further prayer has been made for setting aside the order dated 10.02.2023 (Annexure P-12) passed by learned Collector Ballabgarh and order dated 03.09.2025 (Annexure P-14) passed by learned Commissioner, Faridabad Division, Faridabad.

2. Briefly, case of the petitioners is that, their father namely Ricchpal Singh had purchased 5½ marla plot from Smt. Mohinder Kaur, out of joint land measuring 01 kanal - 02 marla, comprised in khewat No.264, rectangle No.54, killa No.11/3 (as per jamabandi for the year 1997-98). It is

**CWP-35019-2025 (O&M)****-2-**

noticeable that as per the copy of sale deed (Annexure P-1A) attached by the petitioner, it is revealed that Ricchpal had purchased only 3½ marla area and not 5½ marlas (as claimed by the petitioners).

3. Be that as it may, respondents No.5 and 6 herein, sought partition of joint land comprised in khewat Nos.304 and 305, total land measuring 19 kanal - 07 marla, situated at village Dayalpur, Tehsil Ballabgarh, District Faridabad, on the basis of jamabandi for the year 2002-03.

4. It transpires that in the aforesaid partition proceedings, father of the petitioners (Ricchpal Singh), was impleaded as a party-respondent No.4 (as borne out from the partition application - Annexure P-1). Concededly, the father of the petitioners namely Ricchpal Singh appeared in the partition proceedings; however, subsequently vide order dated 24.01.2019 (Annexure P-4), he was proceeded against ex parte; the relevant extract of the same reads as under:-

“File presented. Call was made. Counsel for the applicants is present. Respondent No. 4 is not either personally present nor any counsel on his behalf is present. Calls were made intermittently after noon, but no one came present. The time of the Court is about to over. Therefore, ex-parte proceedings are hereby initiated against respondent No. 4. File was perused. The application for impleading party in the case and amended title has been accepted. File be presented on 14-2-19 for summoning.

*Sd/-
AC IInd Grade
Dayalpur
24-1-19”*

**CWP-35019-2025 (O&M)**

-3-

5. In the aforesaid partition proceedings, mode of partition came to be approved vide order dated 05.12.2019 and on that basis “*Naksha Kha*” was called from the field staff, upon which objections of the parties were sought. It appears that since, no objections were made to the same, ‘*Naksha Kha*’ came to be approved vide order dated 30.07.2020 passed by learned Assistant Collector; thereafter, *Naksha Ga* was approved and ultimately the partition proceedings concluded with the drawing of *Sanad Takseem* dated 21.01.2021 (Annexure P-10).

6. It transpires that the petitioners challenged the aforesaid partition proceedings by filing an appeal before the learned Collector, Ballabgarh; however, the same came to be dismissed vide order dated 10.02.2023 (Annexure P-12), primarily on the ground that after the issuance of *Sanad Takseem*, the Collector had no jurisdiction in the matter.

7. Thereafter, the petitioners preferred a revision petition before the learned Commissioner, Faridabad Division, Faridabad, which has also been dismissed vide order dated 03.09.2025 (Annexure P-14).

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

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

10. Concededly, the petitioners owned only 3½ marlas area out of total joint land measuring 19 kanal - 07 marla, regarding which the partition was sought by respondents No.5 and 6. Evidently, the predecessor-in-interest of the petitioners namely Ricchpal Singh was impleaded as a party to the

**CWP-35019-2025 (O&M)****-4-**

partition proceedings, who was duly served and was appearing in the partition proceedings; however, subsequently, vide order dated 24.01.2019 (Annexure P-4), Sh. Ricchpal Singh was proceeded against ex parte. Evidently, Sh. Ricchpal Singh expired on 16.05.2021, however, during his lifetime, the partition proceedings were concluded with the drawing of *Sanad Takseem* dated 21.01.2021 (Annexure P-10).

11. The only contention raised by the learned counsel for the petitioners is that in the final parittion, the possession of the petitioners has been disturbed.

12. During the course of hearing, a specific query was raised to the learned counsel for the petitioners to point out any material/evidence available on record, which may indicate the exclusive possession of the petitioners over any particular area, on the basis of which the petitioners have claimed, that their possession has been disturbed.

12.1 In response, learned counsel for the petitioners has failed to refer to any such material/evidence on record indicating the exclusive possession of the petitioners over any specific area nor any such documents have been shown during the course of hearing of the matter. Rather, a perusal of the jamabandi for the year 2002-03 would show that the entry in the 'cultivation column' of the total land under partition is recorded as ***"Khudkasht Wa Makbuja Malkan"***, which would mean the joint possession of all the co-owners. Since, the total land under partition is shown in the revenue records to be jointly possessed by all the co-owners, the



CWP-35019-2025 (O&M)

-5-

aforesaid plea of the petitioners that their possession has been disturbed is without any merit and the same is accordingly rejected.

13. That apart, learned counsel for the petitioners has failed to point out, as to what prejudice has been caused to the petitioners by the manner in which the partition has been carried out.

14. No other argument has been raised.

15. Considering the totality of circumstances, I see no compelling reason, which may warrant interference by this Court in the present proceedings. Resultantly, the instant writ petition fails and the same is accordingly **dismissed**.

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

(HARSH BUNGER)
JUDGE

22.01.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No