

134 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-31514-2025 (O/M)
Date of decision : 15.01.2026

Rajinder

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Dixit Garg, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG Haryana.

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HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition filed under Article 226 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside order dated 10.11.2023 (Annexure P-4), passed by Assistant Collector, 1st Grade, Rohtak (in short 'Assistant Collector'), whereby Naksha 'Kha' was approved and also order dated 29.12.2023 (Annexure P-5), passed by Assistant Collector, whereby sanad takseem was issued.

1.1 A further prayer has been made for setting aside order dated 06.05.2025 (Annexure P-7), passed by learned Commissioner, Rohtak Division, Rohtak (in short 'Divisional Commissioner'), whereby revision petition, preferred by petitioner, challenging sanad takseem/partition proceedings, has been dismissed.

2. Briefly, petitioner filed an application seeking partition of joint land measuring 200 Kanal – 6 Marla, situated at village Rithal Phogat, Tehsil and District Rohtak. In the said partition proceedings, mode of partition came to be prepared, vide order dated 10.05.2022 (Annexure P-2).

2.1 On the basis of mode of partition, Naksha 'Kha' was prepared and approved, vide order dated 10.11.2023 (Annexure P-4) and partition proceedings were finalised with the drawing of sanad takseem dated 29.12.2023 (Annexure P-5).

2.2 Feeling aggrieved against partition proceedings/sanad takseem, petitioner preferred a revision before learned Divisional Commissioner, which has been dismissed, vide order dated 06.05.2025 (Annexure P-7).

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

4. Heard.

5. Learned counsel for petitioner has primarily raised three objections; namely :

(a) that the petitioner has not been afforded any opportunity to file objections to Naksha 'Kha' ;

(b) that final partition is contrary to mode of partition as no khal (watercourse channel) has been allocated to land comprised in Rect No. 16, Killa No. 3, 4/1, 4/2, 5/1, 5/2 and similarly, no rasta has been provided to

land comprised in Rect. No. 16, Killa No. 3, 4/1 and 4/2;

- c) that petitioner has been allocated only 8 kanal area out of joint land comprised in Rect. No. 96 against his entitlement of 10 Kanal and thereby, causing loss of 2 kanal area to petitioner.

6. Heard.

7. As far as first contention of petitioner is concerned that he has not been afforded any opportunity to submit objections to Naksha 'Kha', suffice it to say that petitioner has not placed on record any zimini orders, passed by Assistant Collector in the partition proceedings, so as to enable this Court to appreciate the aforesaid contention raised on behalf of petitioner. Even during the course of hearing of this writ petition, learned counsel for petitioner has not shown any zimni orders. Accordingly, aforesaid contention of petitioner is rejected.

7.1 As regard second contention raised on behalf of petitioner that in the partition proceedings, the requisite watercourse channel and rasta has not been provided to area comprised in Rect. No. 16, it is observed from the site plan (Annexure P-3) that petitioner has been allocated area shown in blue colour. When the aforesaid contention of petitioner is considered in the light site plan (Annexure P-3), it would be evident that the petitioner has no concern with the area comprised in khasra No. 16. Rather, it is noticed that the land under partition is comprised in six separate land blocks and area of petitioner (shown in blue colour) has been consolidated only in four blocks.

7.2 Learned counsel for petitioner has failed to demonstrate as to what prejudice has been caused to petitioner by the manner in which area has been allocated to petitioner and other co-sharers. In view of the above, the aforesaid contention of petitioner is also rejected.

7.3 As regards third contention that petitioner has been allocated less area out of land comprised in Rect. No. 96, suffice it to say that the petitioner has not placed on record sanad taksim so as to enable this Court to test the aforesaid assertion raised on behalf of petitioner. Even otherwise, in a case for partition, land is to be allotted as per share in joint khewat and not as per share in each rectangle or killa.

7.4 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 parcels/pockets 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.

7.5 Accordingly, third contention of the petitioner is also found to be without any merit and the same is also rejected.

8. No other argument was raised.

9. Considering the totality of circumstances, I see no compelling reason, which may warrant interference of this Court.

10. Resultantly, the instant civil writ petition fails and same is accordingly, dismissed.

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

(HARSH BUNGER)
JUDGE

15.01.2026
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No