

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

Date of decision: 25.05.2026

(125) CWP-32461-2025 (O&M)

2026.PHHC.084013



Ramesh Kumar (since deceased) through his LRs and others

...Petitioners

Versus

Financial Commissioner-cum-Principal Secretary, Department of Revenue,
Haryana, Chandigarh and others

...Respondents

(126) CWP-32462-2025 (O&M)

2026.PHHC.084016



Vijay Pal and another

...Petitioners

Versus

Financial Commissioner-cum-Principal Secretary, Department of Revenue,
Haryana, Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ranjit Saini, Advocate,
for the petitioners.

HARSH BUNGER J. (ORAL)

This order shall dispose of two writ petitions, i.e.,
CWP-32461-2025 and **CWP-32462-2025**; as they involve common issues of
law and fact. However, for the purpose of passing this order, the facts are

being taken from CWP-32462-2025.

2. Prayer in the civil writ petition (CWP-32462-2025) filed under Articles 226/227 of the Constitution of India *inter alia* is for issuance of a writ in the nature of Certiorari for setting aside the order dated 16.11.2020 (Annexure P-4) passed by the learned Assistant Collector 1st Grade, Panipat, whereby *Naksha Bey* in the partition proceedings was approved.

2.1 A further prayer has also been made for setting aside *Sanad Taksim* dated 07.01.2021 (Annexure P-5) and also the order dated 25.08.2025 (Annexure P-7) passed by the learned Financial Commissioner, Haryana.

3. Briefly, respondent No.3-Randhir Singh sought partition of joint land comprised in Khewat No.262/225 (as per the *jamabandi* for the year 2007-2008) situated at village Brahman Majra, Tehsil and District Panipat.

3.1 In para 3 of the writ petition, it has been conceded by the petitioners that in the aforesaid partition proceedings, the summons were duly issued to them, however, since the parties had entered into a compromise dated 15.07.2015 (Annexure P-2), therefore, the petitioners did not participate in the partition proceedings and then ultimately they were proceeded against *ex parte*.

3.2. Apparently, the partition proceedings continued, wherein mode of partition dated 10.06.2019 (Annexure P-3) came to be approved, the relevant extract of which reads as under:-

“1. The partition land is measuring 297 Kanal 17 Marla revenue Estate Brahman Majra, Tehsil and District Panipat.

2. While partitioning the land the Kurra of applicant would be separately made whereas Kurra of respondents would be made separate.

3. The partition will be carried while maintaining the

possession.

4. *While partitioning the land provisions for drain water (Khal) and path.*

5. *Deficiency of two Marla would be ignored.*

6. *The price of precious trees would be assessed.*

7. *The tubewell will be given to the person to whom the same belongs.*

8. *The partition fees is assessed of Rs.2500/- which will be paid by the applicant himself and thereafter can be recovered from the respondents.”*

3.3 On the basis of aforesaid mode of partition, *Naksha Bey* was called from the field staff. Upon receipt of *Naksha Bey* on the case file, the same was sanctioned vide order dated 16.11.2020 (Annexure P-4) passed by the learned Assistant Collector 1st Grade, Panipat.

3.4 It transpires that the partition proceedings were concluded with the drawing of *Sanand Taksim* dated 07.01.2021 (Annexure P-5).

3.5 Subsequently, the petitioners challenged the partition proceedings /*Sanad Taksim* by filing a revision petition (ROR No.238 of 2020-2021) before the learned Financial Commissioner, Haryana, however, the same has been dismissed vide order dated 25.08.2025 (Annexure P-7).

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

5. Before this Court, learned counsel for the petitioners has primarily raised four submissions, namely,

(i) that the partition proceedings have been carried out in violation of the sanctioned mode of partition (Annexure P-3);

(ii) that in the partition proceedings, the area comprised in Rect. No.73, Killa No.15 has not been completely allotted to the

petitioners although they have installed a tubewell in the said area;

(iii) that in the partition proceedings, no *Rasta* has been provided for approaching the land comprised in Mustil No.81, Killa No. 9/1; and

(iv) that the partition has not been carried out in a fair and equitable manner.

6. I have considered the aforesaid submissions raised on behalf of the petitioners and perused the paper book with his able assistance.

7. As regards the contention of the petitioners that the partition has not been carried out as per the sanctioned mode of partition (Annexure P-3) inasmuch as that the area wherein the petitioners had installed a tubewell i.e. Rect. No.73, Killa No.15, the same has not been allocated to the share of the petitioners, therefore, it is a violation of clause 3 of the mode of partition which provides that the partition would be carried out by maintaining the possession; I have considered the aforesaid contention raised on behalf of the petitioners, however, suffice it to say that the petitioners have already been allocated area comprised in Rect. No. 73 Khasra No.15/2. During the course of hearing, it is not disputed by learned counsel for the petitioners that the area out of Killa No. 15, wherein the petitioners had installed a tubewell has, in fact, been allotted to the petitioners only.

8. Keeping in view the aforesaid stand taken by learned counsel for the petitioners, once the area wherein the petitioners have installed a tubewell, the said specific area has been allotted to the petitioners, therefore, there is no merit in the plea of the petitioners that clause 3 of the mode of partition has been violated by not allocating the complete Killa No. 15 of Rect. No.73.

Moreso, when the petitioners have not put forth any reasonable basis to claim the entire Killa number in their favour. Accordingly, the aforesaid contention raised on behalf of the petitioners is found without any merit and the same is rejected.

9. As regards the plea of the petitioners that no *Rasta* has been provided for approaching the land comprised in Rect. No.81, Killa No. 9/1, the attention of learned counsel for the petitioners was drawn towards page No.42 of the paper-book, which is the site plan (Annexure P-8). A bare perusal of the said site plan (Annexure P-8) would indicate that the area comprised in Rect. No.81, Killa No. 9/1 is not serviced by any revenue *Rasta*. Apparently, the said area comprised in Killa No. 9/1 is land locked and in those circumstances, there is no occasion for the revenue authorities to have provided any *Rasta* to such land locked area. *Rasta* could be provided to Killa No. 9/1 only if any part of the pocket in which the said Killa No. 9/1 falls, the same is aligned to passage or is serviced by any passage. Accordingly, the aforesaid contention is also found to be without any merit and same is rejected.

10. As regards the submissions that the partition has not been carried out in a fair and equitable manner, suffice it to say that the petitioners had been duly served in the partition proceedings, however, they intentionally did not raise any objection in the partition proceedings either to the mode of partition or the *Naksha Bey* and *Naksha Jeem*. Once no objections were submitted on behalf of the petitioners as regards the manner in which the various blocks (Kurrahs) have been carved out during the partition proceedings at the relevant stage, now after the entire partition proceedings have been concluded with the drawing of *Sanad Taksim*, the petitioners

cannot be permitted to raise vague objections to the already concluded partition proceedings. 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.

11. No other argument was raised/pressed.
12. In view of the above discussion, I find no merit in both the writ petitions and the same are accordingly, dismissed.
13. All pending application(s), if any, shall also stand closed.
14. Photocopy of this order be placed on the connected case file.

25.05.2026
dinesh

(HARSH BUNGER)
JUDGE

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