

**CWP-34967-2025 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH****120****CWP-34967-2025 (O&M)****Date of decision: 27.01.2026****Jasvir Singh @ Jasvir Singh Sahota**

....Petitioner

Vs.

**State of Punjab and others**

....Respondents

**CORAM : HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. Rahul Sharma, Sr. Advocate assisted by  
Mr. Rahul Aggarwal, Advocate  
for the petitioner.

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

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**HARSH BUNGER J. (Oral)**

Petition herein is, filed under Article 226 of the Constitution of India, seeking a writ in the nature of Certiorari, for setting aside the final partition order dated 12.05.2022 (Annexure P-6) passed by learned Assistant Collector 1<sup>st</sup> Grade, Goraya; order dated 09.10.2023 (Annexure P-9) passed by learned Sub-Divisional Magistrate-cum-Collector, Phillaur and order dated 30.04.2025 (Annexure P-11) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, present petitioner – Jasvir Singh sought partition of joint land by filing an application before the learned Assistant Collector 1<sup>st</sup> Grade, Goraya.

2.1 In the first round of litigation, the matter went up to the Court of learned Financial Commissioner (Appeals), Punjab in revision petition i.e.



ROR No.315 of 2018, which came to be decided vide order dated 23.10.2020 (Annexure P-4), whereby the matter was remanded to the learned Assistant Collector, for deciding the matter afresh.

3. That on remand, the learned Assistant Collector, proposed the mode of partition dated 07.09.2021 (Annexure P-5), and on that basis, *Naksha Bey* and *Naksha Jeem* were prepared and the final partition order dated 12.05.2022 (Annexure P-6) came to be passed by learned Assistant Collector and partition proceedings concluded with the drawing of *Sanad Takseem* (Annexure P-7).

4. Feeling aggrieved against the aforesaid partition proceedings/*Sanad Takseem*, petitioner preferred an appeal before the learned Collector, Phillaur, which came to be dismissed vide order dated 09.10.2023 (Annexure P-9).

4.1 Still aggrieved, the petitioner preferred a revision petition (ROR No.310 of 2024) before the learned Financial Commissioner (Appeals), Punjab, which was also dismissed vide order dated 30.04.2025 (Annexure P-11).

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

6. Learned Senior counsel appearing on behalf of the petitioner has primarily raised only one argument that the petitioner had purchased land measuring 02 kanal - 19 marla comprised in Khasra No.2219/611 situated at village Rurka Khurd, Tehsil Phillaur, District Jalandhar. He submits that petitioner has raised construction of house on the aforesaid



khasra number. He further submits that another Khasra No.2218/611(2-16) is recorded as *Gair Mumkin Chah Gair Jari and Tubewell*. It is contended that in the partition proceedings, the aforesaid two khasra numbers have been kept out of partition; although, the said area forms a part of joint land and should have been allocated to the petitioner, exclusively.

7. I have considered the aforesaid contention raised on behalf of the petitioner and perused the paperbook with his able assistance.

8. In the present case, concededly the partition proceedings initiated at the instance of the petitioner were concluded with the drawing of the *Sanad Takseem* dated 12.05.2022 (Annexure P-7). The petitioner challenged the partition proceedings/*Sanad Takseem* by filing an appeal as well as revision before the learned Collector as well as learned Financial Commissioner, respectively; however the same were dismissed. Now the instant writ petition has been filed with the sole contention that the area comprised in Khasra No.2219/611(2-16) and Khasra No.2218/611(2-16), have been wrongly kept out of partition; although, they found part of the joint khewat.

9. In para No.3(b) of the instant writ petition, petitioner has made the following averments:-

“(b) *The Petitioner is a co-sharer and principal stakeholder in the joint agricultural land situated in the aforementioned Village, comprising various Khewat Numbers, namely Khewat Nos. 284/275, 334/325/326, 667/649, 758/741, 759/742, 760/743, 757/740 and 761/744.*



*Among these, Khasra No. 2219/611 is under the occupation of the Petitioner, where there is a constructed house, and Khasra No. 2218/611, classified as **Gair Mumkin Chah Gair Jari** and **Tubewell**, accommodates a functional tubewell and ancillary irrigation infrastructure. The same has been constructed and maintained exclusively by the Petitioner”*

10. A perusal of the aforesaid contention raised on behalf of the petitioner would show that there is a house constructed in the area of Khasra No.2219/611 and in Khasra No.2218/611, there is a *Gair Mumkin Chah Gair Jari* i.e. Well. Now when we see the mode of partition (Annexure P-5, vernacular copy) prepared in the present proceedings, it would be apparent that clause (1) thereof reads as under:-

*“Total land measuring 18 kanal 06 marla as per Khewat No.284/275 Khatauni No.469, area 18 kanal 06 marla, in village Rurka Khurd, Tehsil Phillaur, District Jalandhar, as per Jamabandi 2013-2014, after excluding the gair mumkin abadi area, the remaining land will be partitioned.”*

10.1 A perusal of the above-extracted clause (1) of the mode of partition would leave no manner of doubt that the partition proceedings were carried out by excluding the *Gair Maumkin* area from the partition proceedings.

11. Since, as per petitioners own pleaded case, in Khasra No.2219/611 there is a constructed house and in Khasra No.2218/611 there is a *Gair Mumkin Chah (well)*; accordingly, in terms of the clause 1 of mode of partition, the said area being *Gair Mumkin* was required to be kept out of partition.

12. No other argument has been raised.
13. In view of the above discussion, I see no compelling reason, which may warrant interference by this Court in the present matter; resultantly, the instant writ petition fails and the same is accordingly dismissed.
14. All the pending application(s), if any, shall also stand closed.

27.01.2026  
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(HARSH BUNGER)  
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No