

2024.PHHC.165874



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

**CWP-19510-2024 (O&M)**  
**Date of decision :10.12.2024**

KEWAL KUMAR AND ANOTHER

...Petitioners

Versus

FINANCIAL COMMISSIONER (REVENUE), PUNJAB CIVIL  
SECRETARIAT, CHANDIGARH AND OTHERS

...Respondents

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

Present : Mr. Kulwinder Singh, Advocate  
for the petitioners.

Mr. Navneet Singh, Sr. D.A.G., Punjab.

**HARSH BUNGER, J. [ORAL]**

Petitioners have filed the present writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of *certiorari* for setting aside *Sanad Takseem* dated 04.04.2022 (Annexure P-2) and also the order dated 02.11.2023 (Annexure P-4) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, respondents No.3 and 4 filed an application seeking partition of joint land measuring *147 kanals 4 marlas*, situated at Village Dhalewa, Tehsil and District Mansa, as per *jamabandi* for the year 2011-12.

2.1 The partition proceedings culminated into the drawing of *sanad takseem* dated 04.04.2022 (Annexure P-2).

2.2 Petitioners challenged the afore-said *sanad takseem* by filing a revision (ROR-834-2023) before the learned Financial Commissioner (Appeals), Punjab, which was dismissed vide order dated 02.11.2023 (Annexure P-4).

2.3 Hence, the present petition.

3. Learned counsel for the petitioners submits that the learned Assistant Collector has erred in law and fact in carrying out the partition proceedings without following the due procedure. It is further submitted that the petitioners have been provided inferior land and the land allocated to them is far away from the passage. It is also submitted that the land allocated to the petitioners is in the form of fragments, which has caused prejudice to them. It is contended that even the learned Financial Commissioner has wrongly dismissed the revision petition filed by the petitioners without appreciating the issues raised before him. Accordingly, it is prayed that the impugned partition proceedings/*sanad takseem* as well as the order passed by the learned Financial Commissioner, may be set aside.

4. Heard.

5. Learned Financial Commissioner dismissed the revision petition filed by the petitioners vide order dated 02.11.2023 (Annexure P-4) by observing as under :-

*“4. I have heard and considered the arguments advanced by Counsel for the petitioners and perused the grounds of revision petition and also gone through the orders of the lower court. On perusal of the orders of the court below, I find that respondent No.1 & 2 filed an application for*

*partition of the land measuring 147 kanal 4 marlas situated in the revenue estate of village Dhalewa Tehsil and District Mansa. The A.C. 1<sup>st</sup> Grade, Bhikhi in his order dated: 04.04.2022 has specifically mentioned that vide order dated: 24.12.2019, the naksha 'Arra' (Bey) was passed and vide order dated: 25.02.2020, the naksha 'Irri' (Zeem) was passed. But no party to the partition proceedings raised any objection. Therefore, the A.C. 1<sup>st</sup> Grade vide order dated: 25.02.2020 concluded the partition proceedings and issued the 'sanad taksim' in this case. From perusal of the order of lower court, it is clear that petitioners were afforded with ample opportunities to raise the objections on proposed 'mode of partition', and naksha 'Arra' and 'Irri'. But they failed to raise any objection. In the present case, although the petitioners are alleging that they had filed the objections on the nakshas, but they did not attached the copy of their objections, which were filed by them in the court of A.C. 1<sup>st</sup> Grade, Bhikhi. At this revisional stage, the petitioners cannot be allowed to raise objections on 'mode of partition' as well as on the naksha 'Arra' and 'Irri', which have already attained the finality. If the plea of the petitioners is allowed at this stage, it will result into unnecessary linger on the matter. Moreover, the petitioners have failed to point out any illegality or perversity in the order passed by the lower Court.*

*5. Accordingly, the present revision petition is dismissed-in-limine. Copy of this order be communicated to the Courts below. File be consigned to the record room after usual formalities."*

6. Concededly, the petitioners had not raised any objection either to the mode of partition or to the *Naksha Bey*. Once 'Mode of Partition' and 'Naksha Bey' stood approved and attained finality and on that basis, the partition proceedings stand concluded by issuance of *Sanad Takseem*, the petitioners cannot raise any dispute at this stage, moreso when it is not shown that how the final partition is contrary to sanctioned 'Mode of

*Partition*’ or as to what prejudice has been caused to the petitioners with final partition.

- 7. Accordingly, finding no merit in the present petition, the same is dismissed.
- 8. All pending application/s (if any) shall also stand closed.

December 10, 2024

gurpreet

(HARSH BUNGER)

JUDGE

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