



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

**CWP-9373-2026 (O&M)
Date of Decision: 12.05.2026**

Kashmir Singh and another

..... Petitioners

Versus

Financial Commissioner (Appeals), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Umesh Kumar Kanwar, Advocate
for the petitioners.

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

HARSH BUNGER J. (ORAL)

Prayer in the present writ petition 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 final order of partition dated 14.08.2018 (Annexure P-4) passed by the learned Assistant Collector Ist Grade, Mamdot, Tehsil and District Ferozepur and also the *Sanad Takseem* dated 11.10.2018 (Annexure P-5).

1.1 A further prayer has been made for setting aside the order dated 28.11.2025 (Annexure P-7) passed by the learned Financial Commissioner (Appeals), Punjab, whereby, a revision petition preferred by the petitioner, challenging the partition proceedings/*Sanad Takseem*, has been dismissed.



2. Briefly, respondents No.3 to 12, herein sought partition of joint land measuring 112 kanal 14 marla (as per *Jamabandi* for the year 2013-14), situated at Village Basti Pathana Wali, Tehsil and District Ferozepur.

2.1 Apparently, the petitioners appeared in the partition proceedings and submitted their reply.

2.2 It appears that after the preparation of *Naksha 'Urra'*, the Mode of Partition was prepared, wherein the land under partition comprised in separate khewats, was clubbed. On the basis of the approved Mode of Partition, *Naksha 'Arra'* was called from the field staff.

2.3 Upon receipt of *Naksha 'Arra'* from the field staff, objections of the respective parties were called thereon. However, it appears that since none of the parties have raised any objections to *Naksha 'Arra'*, the same was approved, followed by *Naksha 'Irri'* and thereafter, final partition order dated 14.08.2018 (Annexure P-4) was passed by the learned Assistant Collector Ist Grade, Mamdot. Subsequently, even the *Sanad Takseem* dated 11.10.2018 (Annexure P-5) was issued.

2.4 It transpires that petitioners herein challenged the final partition order/*Sanad Takseem* by filing a revision petition before the learned Financial Commissioner, Punjab on 16.05.2023, which is evidently, after a gap of more than five years.

2.5 It further appears that since some of the other co-sharers had also challenged the partition proceedings by filing a separate revision petition (ROR No.32 of 2019); accordingly, the revision petition preferred by the petitioners was heard along with the other pending revision petition and both the revision petitions were dismissed vide common order dated 28.11.2025 (Annexure P-7) by the learned Financial Commissioner, by



observing as under:-

“ - x - x - x - x -

6. *I have considered the arguments advanced by the Counsel for both the parties and also perused the orders of the lower Courts. It is found that the lower Courts have passed well reasoned and speaking order, which need no interference of this Court. It is found that the AC-Ist gave many opportunities to raise objections on mode of partition as well as on Nakshas but the petitioner did not raise any objections deliberately. At this revisional stage, the petitioner cannot be allowed to raise objections on mode of partition or Nakshas. There is no illegality or perversity in the orders passed by lower Court.*

7. *In view of the discussion above, the revision petition is dismissed being devoid of merits. The orders of the lower Courts are upheld.”*

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

4. Heard.

5. Before this Court, learned counsel for the petitioners has not disputed the fact that the petitioners had not raised any objection at any stage, either at the time of Mode of Partition, or to the proposed *Naksha* ‘Arra’ or *Naksha* ‘Irri’.

6. Learned counsel for the petitioners was also asked as to why they had filed the revision petition before the learned Financial Commissioner, after a gap of almost five years. In response thereto, learned counsel for the petitioner has very fairly submitted that in the interregnum, the petitioners had approached the Civil Court, by filing a civil suit; however, subsequently the said civil suit is stated to be



withdrawn.

7. It is noticeable that the aforesaid fact is not clearly mentioned in the writ petition nor the copy of plaint or the order withdrawing the civil suit has been attached.

8. Be that as it may, since the petitioners had appeared in the partition proceedings and participated as well and no objections at that stage were filed by the petitioners, either to the Mode of Partition or at time of approving of *Naksha 'Arra'*, I see no compelling reason, which may warrant interference by this Court in the present proceedings.

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

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

12.05.2026
Pd

(HARSH BUNGER)
JUDGE

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