



CWP-11834-2026 (O&M)

-1-

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

132

CWP-11834-2026 (O&M)

Date of decision: 22.04.2026

Balwan Singh and another

....Petitioners

Vs.

Commissioner, Rohtak Division, Rohtak and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Mahavir Singh Sharma, Advocate
for the petitioners.

Ms. Upasana Dhawan, AAG, Haryana.

HARSH BUNGER J. (Oral)

1. Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari, for setting aside the order dated 17.02.2026 (Annexure P-20) passed by learned Commissioner, Rohtak Division, Rohtak.

2. Briefly, in March 2024, the private respondents herein filed an application seeking partition of joint land measuring 42 kanal - 0 marla comprised in Khewat No.93, situated at village Kharkhoda, Tehsil Kharkhoda, District Sonapat (as per jamabandi for the year 2018-19). It appears that the present petitioners appeared in the partition proceedings and submitted their reply/objections.

3. In the aforesaid partition proceedings, mode of partition dated 18.12.2024 (Annexure P-6) was prepared, which came to be approved vide order dated 03.01.2025 (Annexure P-7) and Naksha *Bey* was called from the

**CWP-11834-2026 (O&M)**

-2-

field staff. It transpires that vide order dated 10.06.2025 (Annexure P-9) passed by learned Assistant Collector, Naksha *Bey* was approved.

4. Apparently, the private respondents challenged the partition proceedings/Naksha *Bey* by filing revision petition before the learned Commissioner, Rohtak Division, Rohtak, which came to be partially allowed vide order dated 17.02.2026 (Annexure P-20), whereby, the order dated 10.06.2025 (Annexure P-9) passed by learned Assistant Collector, has been set aside and the matter has been remanded to the learned Assistant Collector for preparing an amended Naksha *Bey* and for concluding the partition proceedings.

5. Feeling aggrieved against the aforesaid order dated 17.02.2026 (Annexure P-20), the petitioners have filed the present petition before this Court, for seeking relief(s) as noticed hereinabove.

6. Before this Court, learned counsel for the petitioner has primarily raised only two arguments; firstly, that the appeal filed by the private respondents before the learned Commissioner, Rohtak Division, Rohtak was time barred; and secondly, that the learned Commissioner has no jurisdiction in the matter.

7. I have heard the learned counsel for the petitioners and perused the paperbook with his able assistance.

8. Before dealing with submission raised on behalf of petitioner, it is apposite to note that the partition proceedings were initiated by the private respondents, wherein Naksha *Bey* was approved vide order dated 10.06.2025 (Annexure P-9), the relevant extract of the same reads as under:-

**CWP-11834-2026 (O&M)**

-3-

“Misal/File was produced, counsels for the parties are present. Discussions were done, file was viewed the naqsha B prepared by the field staff was seen, found that it is prepared on the basis of cost and variety of land. Naqsha B prepared by the field staff is approved. The exchange the possession land as per this Naksha Bey will be implemented after expiry the period of Revision/Appeal. The file in connection with naqsha C will be produced on 22.07.2025.

Date 10.06.2025

*Sd/-
Ac Kharkhoda”*

8.1 A perusal of the above-extracted order dated 10.06.2025 (Annexure P-9) would show that the matter was adjourned to 22.07.2025 for producing Naksha Jeem. Evidently, on 17.07.2025, the private respondents preferred a revision before the learned Commissioner, Rohtak Division, Rohtak, challenging the partition proceedings/Naksha Bey, etc. wherein the following objection was raised:-

“That court of Tehsildar Kharkhoda has passed this Naqsha B illegally. That the present case was to be heard on 10.01.2025 in connection with Naqsha B. The applicant had submitted his objections in the Naqsha. After this on 08.04.2025 objections of the applicant in connections with the Naqsha B were approved. On the same day orders were passed to prepare amended Naqsha B. After this amended Naqsha B was produced. On the amended Naqsha B the respondent party/2nd submitted its objections. After that the court fixed dates for arguments on 15.05.2025 and 19.05.2025, Counsel for the applicant argued on the amended naqsha. After this the court fixed date for final orders. But the 1st party was astonished on seeing this that when the court got the date amended for submission of Naqsha C the amended naqsha 'C' from date 27.06.2025. to date

**CWP-11834-2026 (O&M)**

-4-

22.07.2025. Whereas this date was fixed for discussion of Naqsha 'B'. The applicant asked from the Tehsildar Kharkhoda that in the present case when did you pass the order and why you have done this. Tehsildar Kharkhod that this order has been given only two days back. What has been done in the file, for that you yourself read the file. When the applicant inspected the case file, he was astonished that the naqsha B has already been accepted by the court. Naqsha B was approved by writing on it allowed without any date the naqsha has been accepted. Whereas the order should have been given on naqsha B which was produced on 08.05.2025 When Zimni order was checked then the applicant again astonished, that since 01.05.2025 till date today 17.07.2025 no Zimni order was written. Sir it should also be considered that that day when the applicant came to know that the Naqsha B has been approved illegally. The applicant submitted an application on the same day regarding to get the certified copy of the entire case. Court at Kharkhoda has not supplied the certified copy of the case to the applicant till date. This incidence proves that the court at Kharkhoda did partiality with the applicant and the division of the land is being implemented illegally. If the court do not consider the original file of the case immediately then all the ill doings will come to fore.”

9. The learned Commissioner after considering the matter found, as a matter of fact that there was no order dated 27.02.2025 which was available on record and learned Commissioner also observed regarding the working of learned Assistant Collector, and after partially allowing the revision filed by private respondents, remanded the matter to the learned Assistant Collector to call for an amended Naksha Bey and to finalize the partition proceedings. Since, the learned Commissioner, Rohtak Division,

**CWP-11834-2026 (O&M)**

-5-

Rohtak had found discrepancies in the working of the learned Assistant Collector; accordingly, in order to do substantial justice to the parties, he deemed it appropriate to remand the matter to the learned Assistant Collector to call for an amended Naksha *Bey* and then to proceed with the partition proceedings.

10. Now coming to the first objection raised by the learned counsel for the petitioners; that the appeal before the learned Commissioner was time barred, it is observed from the persual of the certified vernacular copy of petition (Annexure P-19), that the private respondents herein has filed revision petition before the learned Commissioner and not an appeal as claimed by the petitioners. Even the petition filed by private respondents has been numbered as Executive Revision No.490 dated 17.07.2025. The aforesaid revision petition has apparently been filed in terms of Section 16 of Haryana Land Revenue Act, 1887 (in short “1887 Act”), which reads as under:-

“[16. Power to call for, and examine and revise proceedings of Revenue Officer:- (1) The Commissioner may call for the record of any case pending before, or disposed of by any Revenue-officer under his control and pass such orders, as he thinks fit.

(2) The Collector may also call for the record of any case pending before, or disposed of by any Revenue-officer under his control and if he is of the opinion that the proceedings taken or order made should be modified or reversed, he shall report the case with his opinion thereon for the orders of the Commissioner, whose decision shall be final.

**CWP-11834-2026 (O&M)**

-6-

Provided that he shall not pass an order reversing or modifying any proceeding or order of a subordinate Revenue-officer and affecting any question of right between private persons without giving them an opportunity of being heard.]”

10.1 A perusal of the above-referred Section 16 would clearly reveal that there is no period of limitation prescribed therein, therefore, the first objection raised on behalf of the learned counsel for the petitioners that the petition filed by private respondents before learned Commissioner was time barred; is hereby rejected.

11. As regards the second objection that the learned Commissioner has no jurisdiction in the matter, I find no merit in the same as in terms of Section 16 (as noticed above), the learned Commissioner is competent to entertain a revision petition in respect of any case, which is either pending or disposed of by any Revenue Officer under his control, and pass such order as he thinks fit. Further Section 11 of the 1887 Act, reads as under:-

“11. Superintendence and control of Revenue-officers.- (1) *The Financial Commissioner shall subject to the control of the {State Government}.*

(2) The general superintendence and control over all other Revenue-officers shall be vested in, and all such officers shall be subordinate to the Financial Commissioner.

(3) Subject to the general superintendence and control of the Financial Commissioner, a Commissioner shall control all other Revenue-officers in his division.

(4) Subject as aforesaid and to the control of the Commissioner, a Collector shall control all other Revenue-officers in his district.”

**CWP-11834-2026 (O&M)**

-7-

11.1 In view of the above, there is no manner of doubt that the learned Commissioner was fully competent to deal with the revision petition preferred by private respondents; accordingly, the second contention of the petitioner is also rejected.

12. Keeping in view the above discussion, I find no merit in the instant writ petition and the same is accordingly ***dismissed***.

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

22.04.2026*ankit***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No