



164

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

CWP-25204-2025

Date of Decision: 28.08.2025

Vijay Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sumeet Jain, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for setting aside order dated 07.08.2024 (Annexure P-10), whereby Mode of Partition was approved, along with the Mode of Partition (Annexure P-9); order dated 13.12.2024 (Annexure P-15), whereby *Naksha Bey* was approved, along with the *Naksha Bey* (Annexure P-11); *Naksha Zeem* (Annexure P-16); order dated 08.04.2025 (Annexure P-19), whereby *Sanad Takseem* was issued, along with the *Sanad Takseem* (Annexure P-20).

1.1 A further prayer has been made for setting aside order dated 06.12.2024 (Annexure P-13) passed by the learned Collector, Manesar and orders dated 04.04.2025 (Annexure P-18) and 05.08.2025 (Annexure P-22)



CWP-25204-2025

passed by the learned Divisional Commissioner, Gurugram.

2. Briefly, respondent No.5 – Daksh Bhandari filed an application seeking partition of joint land measuring 41 Kanal-9 Marla, situated in Village Harsaru, District Gurugram, forming part of Khewat No.833 (as per *Jamabandi* for the year 2020-21).

2.1 The petitioner appeared in the aforesaid partition proceedings on 08.09.2023. In those proceedings, the Mode of Partition (Annexure P-9) was prepared and subsequently approved vide order dated 07.08.2024 (Annexure P-10), passed by the learned Assistant Collector, 2nd Grade, Harsaru.

2.2 Feeling aggrieved against the aforesaid order dated 07.08.2024 (Annexure P-10), petitioner filed an appeal before the learned Collector, Manesar, which came to be dismissed vide order dated 06.12.2024 (Annexure P-13).

2.3 Still dissatisfied, petitioner filed a revision petition before the learned Divisional Commissioner, Gurugram, which was also dismissed vide order dated 04.04.2025 (Annexure P-18).

2.4 It appears that in the meanwhile, the learned Assistant Collector, 2nd Grade, Harsaru, vide order dated 13.12.2024 (Annexure P-15), approved the *Naksha Bey*, and the partition proceedings culminated with the drawing of *Sanad Takseem* dated 08.04.2025 (Annexure P-19/P-20).

2.5 Thereafter, the petitioner challenged the partition proceedings/*Sanad Takseem* by filing a revision petition before the learned Divisional Commissioner, Gurugram, which has since been dismissed vide order dated 05.08.2025 (Annexure P-22).

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



4. The primary contention raised by learned counsel for the petitioner is that the revenue authorities below did not conduct the partition proceedings in accordance with law, and that the petitioner was not afforded an adequate opportunity to raise objections either to the Mode of Partition or to the *Naksha Bey*. It is further submitted that in the final partition, the petitioner's possession over the land in Killa Nos.125//25/2/2/1 (4-16), 129//5/2 (3-18), 130//1 (8-0) and 10/1 (1-0) has been disturbed.

4.1 With the aforesaid submissions, learned counsel for the petitioner has prayed for setting aside the impugned partition proceedings/orders.

5. I have heard learned counsel for the petitioner and perused the paper book with his able assistance.

6. The aforesaid submissions raised by learned counsel for the petitioner, have been duly considered and dealt with by learned Divisional Commissioner, Gurugram, vide order dated 05.08.2025 (Annexure P-22), by observing as under:-

“11. After hearing the arguments of the parties it is evident that the dispute pertains to a parcel of land originally measuring 193 kanal 17 marla situated within the revenue estate of Village Harsaru, Sub-Tehsil Harsaru, District Gurugram, Haryana. Following acquisition by the State of Haryana for the development of the Dwarka Expressway, approximately 125 kanal of this land was taken over, leaving a balance of about 68 kanal 11 marla in joint ownership of various co-sharers. This balance land includes the following khasra numbers: Khewat No.567, Khata Nos.642 to 644, Rect. No.125: Killa Nos.12/1/1 (2-8), 12/3/1 (0-8), 14/2 (2-2), 15(8-9), 17/2/1 (0-7), 19/1/2 (5-18), 22/1 (7-15), 23/1 (0-5), 25/2(6-0); Rect. No.129: Killa Nos.2/1 (8-0), 3/1 (2-6), 5/2 (3-18), 6/1 (1-13), 8/2 (3-16); and Rect. No.130: Killa Nos.1 (8-0), 10 (8-



0). The land was earlier the subject of two previous partition proceedings: first in 2016 in case *Namo Realtech v. Delta Propcorn & Others*, and second in 2018 in *Bestech India Pvt. Ltd. v. Ram Singh & Others*.

12. The revisionist claims to have been proceeded ex-parte in both prior partitions, and has challenged them through civil suits bearing CS No.365/2018 and CS No.4557/2019, which are pending before the civil courts in Gurugram. In support of his revision petition, the petitioner argues that the current partition initiated by respondent no.1 is a continuation of previous illegality and is hit by the pendency of title disputes. It is further contended that the present Sanad Takseem affects not only his share of land but also disturbs longstanding possession, including structures like a room and a tubewell located on land bearing Rect. No.129 Killa No.5, and Rect. No.130 Killa Nos. 1 and 10, aggregating to approximately 4 Kanal 12 Marla. Additionally, allegations of collusion between respondent no.1 and the revenue officials have also been raised on account of the allegedly hasty issuance of Sanad Takseem within days of dismissal of a previous revision petition (ER 210 of 2024).

13. It is the case of the respondents, particularly respondent no.1, that the land in question – measuring 7 kanal 8 marla – is independently owned and was purchased by him from third-party vendors unconnected to the revisionist. The respondent submits that he has not purchased any land from Vijay Singh or Ram Singh and that the stay granted in RSA 4215 of 2000 or CR 2732 of 2021 has no bearing upon the partition initiated by him. It is further contended that the revenue court was not restrained by any judicial order from proceeding with the partition and that the objections raised by the revisionist had already been considered and dismissed by the Assistant Collector vide order dated 07.08.2024, which was upheld by the Collector-cum-SDO Manesar on 06.12.2024 and further by this Court on 04.04.2025 in ER 210 of 2024.

14. On the legal aspect, it is important to reiterate that



partition of joint land under the Haryana Land Revenue Act, 1887 is governed by Sections 111 to 118. So long as the property remains in joint ownership, any co-sharer has a statutory right to seek partition by metes and bounds. The mere pendency of civil suits relating to ownership or prior partition does not automatically bar revenue officers from conducting fresh partitions unless there is an express injunction or stay granted by a competent civil court. The revisionist has not placed on record any such restraining order that would preclude the Assistant Collector from exercising jurisdiction in the present case.

15. With regard to the allegation that land has been partitioned multiple times, it is observed that the nature and extent of joint holding changed over time following acquisitions, earlier partitions, and creation of separate khewats. The land subjected to the third partition was the residual joint holding measuring 41 kanal 9 marla as per the jamabandi for the year 2020-21, recorded under Khewat No.833, Khatauni No.882. The Assistant Collector was competent to act upon the partition application filed by respondent no.1 for this separate block of jointly held land. It is further noted that the Mode of Partition was framed in compliance with prescribed norms, with due regard to possession, location, and adjustment for paths, trees and exiting structures, as reflected in the Tareeqa Takseem and Naksha Be. The allegations that prime land was diverted to developers while burdened land was left to small co-sharers remain unsubstantiated by any technical report or valuation.

16. The contention that Sanad Takseem was issued with haste following dismissal of ER 210 of 2024 is unfounded. The order dated 04.04.2025 of this Court had already upheld the validity of the order dated 06.12.2024 passed by the Collector and affirmed the partition mode finalized on 07.08.2024. Once objections had been decided and finalisation of site plans completed (as per record on 15.01.2025), the issuance of Sanad Takseem merely gave effect to the approved partition,



CWP-25204-2025

and no illegality is found in the timing or process.

17. Having heard the parties and perused the complete record including the jamabandis, site plans, objections, previous partition orders, civil suit pleadings, and impugned Sanad Takseem, this Court is of the considered view that there is no procedural infirmity or legal impropriety in the impugned partition order. The Assistant Collector, 2nd Grade, Harsaru, acted within jurisdiction and in accordance with the statutory procedure. The findings of the Collector and this Court in earlier proceedings further fortify the legality of the process.

18. In conclusion, the petitioner has failed to make out a case warranting interference under Section 16 of the Haryana Land Revenue Act, 1887. The partition proceedings were validly initiated, objections were duly considered, and the Sanad Takseem was issued lawfully. No manifest injustice, jurisdictional error, or violation of legal procedure is established on record. Accordingly, the revision petition is hereby dismissed. The Sanad Takseem dated 08.04.2025 issued by the Assistant Collector, 2nd Grade, Harsaru, is affirmed.”

7. In view of the above findings returned by the learned Divisional Commissioner, Gurugram, it cannot be said that the partition proceedings were not carried out in accordance with law. The petitioner had duly appeared in the partition proceedings and was afforded full liberty to raise objections at the relevant stage, which he in fact did against the Mode of Partition. However, these objections were rejected by the learned Assistant Collector. Thereafter, the appeal and revision preferred by the petitioner were also rejected up to the level of learned Commissioner.

8. As regards the submission raised by learned counsel for the petitioner that the petitioner's possession over the specific killa numbers (as noticed above) has been disturbed, suffice it to say that as per the *jamabandi* for the year 2020-21 (Annexure P-1), the entry in the cultivation column against the land under partition is recorded as *khud kasht*, which



CWP-25204-2025

means joint possession by all the co-owners. Learned counsel has also not disputed this fact, as emanating from the revenue records. In this view of the matter, once the petitioner has failed to show exclusive possession of the khasra numbers over which he claims that his possession has been disturbed, there is no merit in the plea taken by the petitioner that his possession has been disturbed. Accordingly, the claim of the petitioner is rejected.

9. That apart, learned counsel for the petitioner has failed to point out from the *Aks Shajra* attached to *Naksha Bey* (Annexure P-11; at page No. 131 of the paper book), as to what prejudice has been caused to the petitioner by the manner in which the partition has been carried out. It is well settled that the partition is carried out after considering various factors like number of co-sharers in the joint land, shape of the land parcel 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.

10. Considering the totality of circumstances, I find no compelling reason to interfere with the impugned partition proceedings/orders. Resultantly, the instant writ petition fails and the same is, accordingly, dismissed.

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

28.08.2025

Apurva

(HARSH BUNGER)
JUDGE

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