

**IN THE COURT OF SH. D. P. REDDY, I.A.S.,  
FINANCIAL COMMISSIONER, PUNJAB CHANDIGARH  
ROR 470 of 2017**

Date of Institution: 25.05.2017

Date of Decision: 11.12.2017

1. Joginder Singh son of Nika Singh through LRs:
  - i. Gurnam Singh
  - ii. Amarjit Singh
  - iii. Baljit Singh sons of Joginder Singh.
2. Mann Singh
3. Kahan Singh
4. Gian Singh,  
All sons of Hakam Singh.
5. Harkesh Singh @ Rakesh Singh son of Ran Singh,  
all residents of Village Majhal Kalan, Tehsil and District Patiala.

....Petitioners

Versus

1. Janak Singh
2. Rajinder Singh
3. Raj Kumar
4. Narinder Singh sons of Nar Singh son of Munsu Singh, residents of  
village Majhal Kalan, Tehsil and District Patiala.
5. Hakam Singh son of Munsu Singh
6. Ran Singh son of Munsu Singh
7. Rajinder Singh son of Balwant Singh
8. Surinder Singh son of Balwant Singh
9. Teja Singh son of Ran Singh, residents of Village Majhal Kalan,  
Tehsil and District Patiala.
10. United Commercial Bank

.... Respondents

Present: Sh. R.K. Shukla, Advocate, counsel for the petitioners.

Sh. Sherry K Singla, Advocate, counsel for the respondents.

**ORDER**

This revision petition has been filed u/s 16 of the Punjab  
Land Revenue Act, 1887 against the orders dated 26.8.2016, 21.2.2017




and 7.04.2017 passed by the Assistant Collector, 1st, Grade, Patiala in the matter of partition of agricultural land.

2 Brief facts of the case are that respondent No. 1 to 4 filed an application for partition of land measuring 118 Bigha 17 Biswas situated in Village, Majhal Kalan, District Patiala. After conducting all the necessary formalities final partition order dated 7.04.2017 regarding Sanad Taksim was passed by the Assistant Collector Ist Grade Patiala. Aggrieved by this order, as well as orders dated 26.8.2016 and 21.2.2017, the petitioners filed the present revision petition before this Court.

3. The learned counsel for the petitioners and the learned counsel for respondent/caveator no. 3 and 4 were heard.

4. The learned counsel for the petitioners submitted that the orders under revision are patently illegal, without jurisdiction and against evidence on the record and against law and facts. These orders have been passed without following the proper procedure as laid down in the Punjab Land Revenue Act. The counsel submitted that the land has already been partitioned in the family settlement and the parties are in possession of their respective shares. The Assistant Collector Ist Grade, Patiala has conducted the partition proceedings in a casual manner and has even failed to follow the Mode of Partition. No share has been carved out in Naksha Urra. Naksha Arra and Irri and Sanad Taksim are against the Mode of Partition. He further submitted that proper service has not been effected on the concerned parties which is clear from the record. Joginder Singh shown in Sanad Taksim has already died which is clear from the report on the summons. He has not been allotted separate takk. As per clause no. 3 of the Mode of Partition, the khals were to be provided as per requirement but no such khal has been provided to the land allocated to Ran Singh, Teja Singh etc. According to clause no. 2 of the Mode of Partition, front was to be provided as per the share of the co-sharers but Ran Singh etc. have not been given any front and Rajinder Singh etc. have been given more front than their share. Petitioners No. 5, 6 and 9 have not been provided khal from khasra no. 52 which has been kept common being Tour of the Well. The counsel prayed that the revision petition may be accepted and the order under revision be set aside and the Assistant Collector, 1st Grade, Patiala be directed to decide the partition

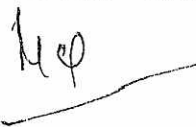




application afresh after providing the proper opportunity of being heard to the petitioners as well as to the other parties.

5. On the other hand, the counsel for respondents/caveator no. 3 and 4 rebutted the pleadings of the counsel for the petitioners. The counsel submitted that Hakam Singh, Ran Singh etc had appeared before the Assistant Collector, 1st Grade, Patiala and filed their reply and they are not the aggrieved party. Nakshas in this case have been passed as per law. The counsel produced the copy of the Zimni order dated 26.8.2016 whereby Naksha Aarra was approved in the presence of the counsels for the parties. The counsel submitted that as per the clause 3 of the Mode of Partition Khals have been provided to the takks of the parties as per requirement and for this purpose land measuring 1 Bigha 15 Biswas has been brought under khals. The counsel prayed that the instant revision petition may be dismissed as the Assistant Collector, 1st Grade, Patiala has conducted the partition proceedings in the presence of the parties and passed the impugned orders as per the provisions of the Act.

6. I have heard the learned counsel for the petitioners and the counsel for respondents/caveator no. 3 and 4 and have given a deep and thoughtful consideration to the copies of the orders of the lower court placed on the file and have also considered the arguments submitted by the counsels in support of their respective claims. I do not agree with the pleadings of the counsel for the petitioners. The legal heirs of Joginder Singh deceased had the knowledge of the partition proceedings going on before the Assistant Collector, 1st Grade, Patiala and they could have filed application to be impleaded as party. The counsel for the petitioner has raised the issue of khal and frontage to the takk of Ran Singh etc. which is baseless as he is not the counsel for them and is not authorised to plead their cause. As far as providing passage to Khasra no. 52 (which the number of the Well) is concerned, it is clear from the map Annexure P/3 that passage has already been provided to the Tour of this Well by the consolidation department. The petitioners were at liberty to file appeal against the orders of the Assistant Collector, 1st Grade, Patiala at every stage to the appropriate authority instead of inviting the indulgence of this court through the revision petition at the final stage of the partition proceedings. I agree with the arguments advanced by the learned counsel for the



respondent/caveator that the orders passed by the court below are based on facts of the case and are sustainable. From the above observations, I see that the Assistant Collector, 1<sup>st</sup> Grade, Patiala has not committed any error in passing the impugned order dated 26.8.2016, 21.2.2017 and 7.04.2017. The present revision petition is, therefore, dismissed in limine.

Announced.

Chandigarh, dated  
The 11th December, 2017

  
(Deva Pampapathi Reddy)  
Financial Commissioner, Punjab.