



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

118

LPA-1404-2025

Date of Decision: 11.09.2025

UMED SINGH AND OTHERS

...Appellants

Versus

STATE OF HARYANA AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI  
HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. Sumeet Mahajan, Sr. Advocate with  
Mr. Shrey Sachdeva, Advocate and  
Ms. Radhika, Advocate, for the appellants.

Ms. Anu Pal, Addl. AG, Haryana  
for respondent Nos.1 to 4.

Mr. Hemant Saini, Advocate for  
Mr. Himanshu Monga, Advocate for respondent No.5.

Mr. Rohit Chandel, Advocate with  
Ms. Simran Sharma, Advocate and  
Mr. A.K. Chauhan, Advocate for respondent No.6.

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**HARSIMRAN SINGH SETHI, J. (ORAL)**

1. In the present Letters Patent Appeal, the challenge is to the impugned order dated 12.03.2025 passed by the learned Single Judge, by which, the writ petition filed by the appellants challenging the partition of 7 kanals and 12 marlas; which land has been divided between the appellants, respondent No.5 and respondent No.6, has been dismissed.

2. Before proceeding further, it may be noticed that while partitioning the total land measuring 7 kanals and 12 marlas, share of 3 kanals and 16 marlas was to be granted in favour of respondent No.5 and the remaining portion of land measuring 3 kanals 16 marlas out of the total was



to be divided equally between the appellants and respondent No.6 so as to execute partition between five co-sharers. The said land in question has been divided by the authorities, the site plan of which is being depicted hereinafter:-



3. In the site plan reproduced hereinbefore, the land falling under the depicted “chunk A” measuring 3 kanals 16 marlas has been given to respondent No. 5 and remaining portion of land falling under BCDE measuring 3 kanals 16 marlas has been equally divided between the appellants and respondent number 6, keeping in view their respective shares in the property.

4. The claim of the appellants as well as the respondent No. 6 is that during partition qua land in question they should have been given the land falling under “chunk A” and respondent No. 5 should have been given the



land falling under the chunk “BCDE”. Before proceeding further, it may be noticed that land falling under the “chunk F” also belongs to respondent No. 5, which has been purchased from one Vikram Rana.

5. Keeping in view the above factual position, the issue being raised by appellant before this Court in the present appeal is being decided.

6. Before effecting the partition proceedings, the Assistant Collector Grade-II inspected the site qua land in question on 03.05.2024 himself. The said spot was inspected in the presence of all the co-sharers and after inspecting the same, a report was submitted by Assistant Collector Grade-II on 03.05.2024, copy of which has been appended as Annexure P-15 with the writ petition, and the same is available at page 217 of the paperbook. After the spot inspection, a finding was recorded was by the Assistant Collector Grade-II that the land falling under the chunk “BCDE” is in the possession of the appellants and respondent No. 6, and the other chunk was in the possession of respondent No. 5. On the basis of the said report dated 03.05.2024, the partition proceedings were accordingly finalised, the details of which have already been given hereinbefore.

7. The grievance was raised by appellants qua the said partition of land in question before the appellate authorities, which challenge was rejected, and the partition qua said land was finalised by the Assistant Collector Grade-II by reaching to the decision that land falling under chunk A be given to respondent No.5, and land falling under chunk BCDE be given to the appellants and respondent No.6 in equal shares as owned by them.

8. Feeling aggrieved against the said partition proceedings qua land in question, a writ petition was filed, being CWP No. 6160 of 2025 by the appellants, which came to be dismissed on 12.03.2025. The learned Single



Judge recorded the findings while passing the order that as per the appellants, who were the petitioners before the learned Single Judge, they wanted that portion of land in question which is abutting the National Highway and the portion of land given to them as per partition is abutting the National Highway; the argument raised that their possession of land has been disturbed, is not proved out, keeping in view the spot report of the Assistant Collector Grade-II, dated 03.05.2024. Further the contention of appellants/petitioners that the portion of land which has been given to respondent No. 5 is more valuable, finding qua said aspect has been given by the learned Single Judge that said claim has not been proved especially when the land in question which has been partitioned, is in one “killa”, and the claim that the two portions of land falling within the same killa are having different value, cannot be accepted.

9. Feeling aggrieved against the said judgment of the learned Single Judge dated 12.03.2025, the present appeal has been preferred.

10. The learned Senior Counsel appearing on behalf of the appellants argues that the basis of the partition of land in question is the spot report of the Assistant Collector Grade-II, dated 03.05.2024 (Annexure P-15) but the same was never made available to them, which is causing prejudice. Qua the said argument, it may be noticed that the said assertion does not make much of a difference for the reason that the report is of the Assistant Collector Grade-II, who had in the inception decided the issue, and himself visited the spot and looked upon the actual land in question which was to be partitioned, and keeping in view the facts which came to his knowledge, though he recorded the same in his report dated 03.05.2024, but he was even otherwise free to reach to a decision on the basis of the facts which came to the knowledge



during his spot inspection. Once, during the spot inspection, certain facts have been noticed by him as that too in the presence of all the stake holders, which facts have not been proved to be incorrect by the appellants, merely that the spot report formulated by Assistant Collector Grade-II was not given to the appellants, will not make much of a difference even if the said assertion is believed. If a report is given by an authority other than the one which is to decide qua partition, said report needs to be given to all the concerned parties so as to allow them to raise objections in order to find out the truth about the said report but when authority which is to decide qua the partition himself visited the spot and enquired about the relevant facts to effect better partition of land, non-furnishing of such report will not cause prejudice unless the report is proved to be incorrect. Hence, once the Assistant Collector Grade-II himself visited the spot and enquired about the facts of all the stake holders, he was within jurisdiction to decide even without a spot report, grievance raised by the appellants about non furnishing of the spot inspection report, and that too without proving the said report as incorrect, no prejudice is caused so as to set aside the partition proceedings.

12. Further, the argument which has been raised by the learned Senior Counsel for the appellants is that actually, there is no fact which shows that the land falling under the chunk "BCDE" was in possession of the appellants, whereas the said fact has been made the basis of the partition and the said chunk has been consequently given to the appellants and respondent No.6. It may be noticed that once, in the spot inspection, keeping in view the certain facts, the said finding has been given by the Assistant Collector Grade-II and the same has been upheld by the two revenue authorities as well as by the learned Single Judge, the said fact cannot be disputed in the Letters



Patent Appeal, so as to set aside the partition proceedings, and persuade this Court to reach Court to reach at a different conclusion other than the one arrived at by the learned Single Judge and revenue authorities.

13. Even if it is assumed for the sake of argument, that land falling under the chunk “BCDE” was not in the possession of the appellants but nothing has come on record to show that the land falling under chunk A was in the possession of the appellants so as to claim disturbing of the possession of the appellants. Rather the statement of respondent No.5 that respondent No.5 was in possession of chunk A has not been dislodged by the appellants either before the revenue authorities or even before this Court in writ petition or even in the appeal and the said fact has been confirmed by the Assistant Collector Grade-II after actual visit to the spot. Hence, the mode of partition which has been adopted by the Assistant Collector Grade-II, keeping in view the ownership of the total land in question by different co-sharers as per the fact noticed in spot inspection, the same has been bifurcated in the best possible way available so as to give every co-sharer the land abutting the National Highway.

14. Further, from the site plan which has been reproduced in the paragraph No.2 of this judgment, respondent No. 5 is also the owner of land falling under chunk F. In case, the argument of the appellants is accepted that the appellants along with respondent No. 6 should be given the land falling under chunk A and respondent No. 5 should be given the land falling under chunk BCDE, then respondent No.5 will have no access to the land falling under chunk F. The said fact could not be rebutted by the learned Senior Counsel appearing on behalf of the appellants. Hence, the said factor also has been kept in mind by authorities concerned that respondent No.5 has to have



accessibility to his land falling in chunk F, which is owned by respondent No. 5.

15. The another argument which has been raised by the learned Senior Counsel for the appellants is that the portion of land given to respondent No.5 is more valuable. Though, the same has already been dealt hereinbefore, but once a finding has been given that the total chunk of land subjected to partition is in the shape of a rectangle and in a same killa number, and said rectangle is abutting the highway, nothing has come on record to show that out of total land, the land given to appellants and respondent No. 6 is of a lesser value than the value of the land given to respondent No. 5 especially when all the co-sharers have been given the land abutting to the National Highway, which was the sole contention raised by the appellants before revenue authorities. If the argument of the appellants is accepted qua the value of the land, then when the land is swapped between the parties, same grievance will be raised by respondent No.5 hence, the said contention cannot be accepted.

16. The last argument raised by the learned Senior Counsel for the appellants is that respondent No. 5 never raised an argument that he is in the possession of chunk A which has been given to him. It may be noticed that as per the report of the Assistant Collector Grade-II, the land falling under the chunk BCDE was in possession of the appellants as well as respondent No.6 and the statement of respondent No.5 is on record to the said effect. No material has been brought on record to show that the land falling under 'chunk A' was ever in the possession of the appellants at any given point of time so as to dislodge the said statement of respondent N.5 that possession of land is chunk A in their possession, which statement has been accepted by revenue



authority as well as by learned Single Judge.

17. Further, the land has been partitioned keeping in view the other circumstances as well, such as that the respondent No.5 should have access to the land falling under the 'chunk F' which is owned by him, which will be impossible in case the argument of the appellants is accepted.

18. Further, as per Annexure P-10, the statement given by appellant-Umed Singh was that he should be given land abutting the National Highway which request has been accepted and land given to him as per his share is abutting national highway which fact stands conceded. Further, respondent No.5 while reading the statement before revenue authorities, has stated that possession of the land falling towards the North of the land bearing No.2/M1/1 (Annexure P-9) is with them, which fact has gone unrebutted as discussed in the preceding paras.

19. Keeping with the totality of the circumstances, as the order passed by the authorities as well as by the learned Single Judge has gone unrebutted and the same has not been proved to be perverse either to the facts or law, no ground is made out for any interference by this Court.

20. Pending application(s), if any, stands disposed of.

**( HARSIMRAN SINGH SETHI )  
JUDGE**

**( VIKAS SURI )  
JUDGE**

**September 11, 2025**

*harish*

Whether speaking/reasoned Yes

Whether reportable No