

2025:PHHC:111273



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

**CM-11236-CWP-2025 in/and
CWP-9599-2025
Date of Decision: 22.08.2025**

Hari Singh

..... Applicant/Petitioner

Versus

Financial Commissioner (Revenue), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Harsh Chopra, Advocate
for the applicant/petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

HARSH BUNGER J. (ORAL)

CM-11236-CWP-2025:

Prayer in the present application is for recalling order dated 24.07.2025 passed by this Court in the main writ petition (CWP-9599-2025), whereby the writ petition was dismissed for non-prosecution.

Notice of the application.

Mr. Nirmaljit Singh Diwana, Senior Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the non-applicant/respondent-State and raises no objection in case prayer made in the instant application is accepted.

Keeping in view the aforesaid no objection endorsed by learned counsel for the non-applicant as well as the reasons mentioned in the present application, the same is allowed. Order dated 24.07.2025 passed in the main writ petition, bearing CWP No.9599 of 2025, is recalled and the writ petition is restored to its original number.

CWP-9599-2025:

Petition herein is, *inter alia*, for issuance of a writ in the nature of Certiorari for setting aside order dated 11.09.2019 (Annexure P-13) passed by the learned Assistant Collector, Ist Grade, Majri; order dated 22.10.2020 (Annexure P-18) passed by the learned Collector, Kharar; and order dated 27.07.2022 (Annexure P-22) passed by the learned Financial Commissioner (Revenue), Punjab.

2. The sole argument raised by learned counsel for the petitioner is that Khasra No.104//25/2/2(4-7) has been allocated to the private respondents.

3. During the course of hearing, a pointed query was put to learned counsel for the petitioner as to whether the petitioner had raised any objection to the proposed *Naksha Bey*, wherein the aforesaid Khasra numbers had been shown as falling within the shares/blocks of the private respondents. In response thereto, the answer was a clear 'no'.

4. In my considered view, once the petitioner failed to raise any objection to the *Naksha Bey*, wherein Khasra No.104//25/2/2(4-7) was allocated to the shares/blocks of the private respondents, and on that basis the *Naksha Jeem* was prepared, culminating in the drawing of the *Sanad Takseem* (Instrument of Partition), the petitioner cannot, at this stage, be permitted to turn around and seek re-opening of the partition proceedings

so as to claim the area already allotted to the other co-sharers.

5. Keeping in view the aforesaid facts and circumstances, the present writ petition, being devoid of merit, is dismissed.

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

22.08.2025

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No