

2025:PHHC:125774



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

CWP-27206-2025

Date of Decision: 12.09.2025

Jal Maya Devi

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vivek Aggarwal, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, seeking a writ in the nature of Mandamus, directing the official respondents No.2 and 3 to consider and decide the claim of petitioner dated 19.06.2024 (Annexure P-1), which is pending before respondent No.3 – Assistant Collector, Ist Grade, Ateli, and further to direct respondent No.3 to complete the proceedings in terms of Section 118-A of the Haryana Land Revenue Act, 1887 (in short 'the 1887 Act').

2. Briefly, the petitioner claims to be a joint owner of land comprised in Khewat Nos.231 and 442, as per *jamabandi* for the year 2022-23, situated in Village Bachhod, Tehsil Ateli, District Mahendergarh.

2.1 It appears that the petitioner has filed an application under the provisions of the 1887 Act seeking partition of the aforesaid joint land. It is

further stated by the petitioner that the land in question is a valuable portion, being situated near National Highway No.11, and that the other co-sharers, namely Sunita Devi, Chameli Devi and Braham Parkash, are attempting to change the nature of the said land by raising construction on this prime location. Consequently, the petitioner was constrained to file a Suit for Permanent Injunction, bearing Case No.609 of 2024, before the Civil Court, Narnaul.

2.2 It is stated by the petitioner that in the partition proceedings, the Mode of Partition has been approved and *Naksha Bey* was called from the field staff. The petitioner further claims that the *Naksha Bey* has also been approved; however, no such order has been placed on record to substantiate that the *Naksha Bey* was in fact approved in the partition proceedings initiated by the petitioner.

2.3 It transpires that the matter before the learned Assistant Collector, Ist Grade, Ateli was listed on 07.08.2025, but the same was adjourned to 16.09.2025 on account of the Presiding Officer not having been bestowed with the requisite powers to hear the case.

3. In the aforementioned circumstances, petitioner has filed the present writ petition before this Court, seeking relief(s) as noticed hereinabove, by claiming that in terms of Section 118-A of the 1887 Act, partition proceedings are required to be concluded within a period of six months; however, the matter could not be adjudicated as the Presiding Officer concerned had not been vested with the power to hear the case.

4. Heard.

5. Apparently, the partition proceedings are pending before the learned Assistant Collector, Ist Grade, Ateli, for 16.09.2025. On the earlier date of hearing, i.e. 07.08.2025, no effective proceedings could be conducted

as the Presiding Officer had not been vested with the requisite powers to hear the matter.

6. It needs no reiteration that the State is obliged to fill up the vacancies and/or to take immediate steps for bestowing powers upon the concerned revenue authorities, who are entrusted with *quasi-judicial* functions under the 1887 Act, so that the dispute redressal mechanism does not come to a standstill.

7. In view of the above, the present writ petition is dismissed; however, a copy of this order be forwarded to the Additional Chief Secretary, Department of Revenue, Haryana, who shall ensure that the Presiding Officer concerned is duly bestowed with the jurisdiction/powers to hear and decide the cases pending before the Court.

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

12.09.2025

Apurva

(HARSH BUNGER)
JUDGE

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