



CWP-23427-2025 (O&M)

-1-

136

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

**CWP-23427-2025 (O&M)
Date of Decision: 13.08.2025**

Sadanand and another

....Petitioners

Versus

Financial Commissioner (Appeals), Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Ashok Kumar Khunger, Advocate
for the petitioners.

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

HARSH BUNGER, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of Certiorari for setting aside order dated 19.03.2020 (Annexure P-7) passed by learned Assistant Collector 1st Grade, Abohar and order dated 07.08.2024 (Annexure P-8) passed by learned Financial Commissioner (Appeals), Punjab.

2. According to the petitioners, their father namely Sh. Dula Ram had purchased 8 Kanals 17 Marlas land out of joint Khewat of Village Sayeed Wala, Tehsil Abohar, District Fazilka vide a registered sale deed dated 14.02.1978 (Annexure P-1) executed by one co-sharer namely Sh. Jai Singh.

2.1 It is claimed that Sh. Dula Ram was put in exclusive possession of Khasra No.142//3 (6-1) and 2 Kanals area out of Khasra No.142//4, although the area of the said khasra number was 6 Kanals 16 Marlas. It is



CWP-23427-2025 (O&M)

-2-

stated that as per *jamaabandi* for the year 2017-18 (Annexure P-2), the aforesaid area is recorded in possession of the present petitioners and the said area is recorded as '*gair mumkin abadi*'.

2.2 It is the case of the petitioners that they were interested in installing a brick kiln over the abovesaid area measuring 8 Kanals 1 Marla and for the said purpose, they entered into a partnership with one Milkh Raj and constituted a firm namely M/s Milkh Raj BKO and further obtained a license from the Punjab Pollution Control Board on 03.05.2023 (Annexure P-5).

2.3 It transpires that respondents No.3 and 4 herein (Uma Devi and Kanta Devi, respectively) filed two partition applications in respect of area measuring 17 Kanals 17 Marlas and 69 Kanals 13 Marlas, respectively before the learned Assistant Collector, which were consolidated. It appears that in the said partition proceedings, a Mode of Partition dated 26.12.2019 (Annexure P-6) was prepared and the partition proceedings were finally decided vide order dated 19.03.2020 (Annexure P-7).

2.4 The petitioners claim that no notice was ever served upon them as regards the partition proceedings and that they were proceeded against ex parte. It is stated that the petitioners learnt about the aforesaid partition proceedings only when warrants of possession were issued. Petitioners claim that they became aware of partition proceedings on 11.11.2022 and thereafter they immediately preferred a revision petition (ROR No.1077 of 2022) before the learned Financial Commissioner (Appeals), Punjab, however the same was dismissed vide order dated 07.08.2024 (Annexure P-8), on the ground of delay.

3. In the aforementioned circumstances, the petitioners have filed the present writ petition before this Court for seeking the relief(s) as noticed



hereinabove.

4. Heard.

5. In the present case, the partition proceedings were initiated by respondents No.3 and 4 (Uma Devi and Kanta Devi, respectively). It appears that the present petitioners were proceeded against ex parte in the said partition proceedings and a final order of partition came to be passed on 19.03.2020 (Annexure P-7).

6. Evidently, the petitioners preferred a revision petition (ROR No.1077 of 2022) on 23.11.2022 and the said revision petition has been dismissed by learned Financial Commissioner on the ground of delay vide impugned order dated 07.08.2024 (Annexure P-8) by observing as under:-

“6. I have heard and considered the submissions advanced by Ld. counsels for the parties and also perused the documents/record available on file. In this case, after perusal of the facts and record shows that the main ground for filing of this petition is that the petitioners were not heard before passing of the final order of partition. After perusal of the records and hearing the submissions of the petitioners, this Court finds that the revision petition suffers from a significant delay of 887 days in its filing. The petitioners have failed to provide a sufficient explanation for this delay. However, the record shows that the partition proceedings were initiated in accordance with the provisions of the Punjab Land Revenue Act, 1887, and notices were duly served upon the petitioners. The petitioners failed to appear and raise any objections during the proceedings, leading to the finalization of the partition and issuance of the Sanad Takseem and Dakhhal Warrant. If the petitioners have not appeared before the Revenue Officer to join the partition proceedings, then now they cannot claim that the partition proceedings have been conducted at their back and principles of natural justice have been violated. Rather, the fault lies on their side as they have not appeared before the Revenue Officer



and allowed the proceedings to be taken up in their absence. The petitioners have now approached this court after an inordinate delay of 887 days seeking to set aside the orders on grounds that have been insufficiently substantiated. As per the Section 16 of the Punjab Land Revenue Act, 1887 that “the period of limitation for filing a revision petition against an order under section 118 passed in appeal, or against issuance of instrument of partition under section 121 with respect to partition of land shall be sixty days from the date of order.” As such the delay from the date of issuance of Sanad Takseem has not been properly explained by the petitioners in the present revision petition. As per settled law, each day of delay must be properly explained, which has not been done in the present case. Furthermore, upon examining the merits, no perversity or illegality has been found in the orders passed by the lower courts, which were based on proper procedure and adherence to legal principles. Therefore, in view of the significant delay in filing the revision petition and the lack of any substantive grounds to challenge the orders on merits, the present revision petition is dismissed.

*7. Resultantly, the present revision petition is hereby **dismissed**. Copy of this order be communicated to the courts below. After making compliance file be consigned to the record room.”*

7. A perusal of above extracted observations made by learned Financial Commissioner would reveal that the revision petition preferred by the petitioners was barred by delay of 887 days and that the petitioners had failed to provide a sufficient explanation for the delay.

8. Upon perusal of the writ petition, it is noticed that the petitioners have not attached a copy of the grounds of revision filed before the learned Financial Commissioner nor the application seeking condonation of delay in filing the aforesaid revision petition has been placed on record.

9. Even during the course of hearing, learned counsel for the



CWP-23427-2025 (O&M)

-5-

petitioners has not produced the revision petition and/or the application seeking condonation of delay in filing the revision petition.

10. In these circumstances, this Court has no choice but to proceed on the basis of observations made by learned Financial Commissioner that the petitioners had failed to provide a sufficient explanation for the delay in filing of the revision petition. Learned counsel for the petitioner has also not referred to any material/*zimini* orders to demonstrate any procedural illegality.

11. That apart, the petitioners have not placed on record any material in the form of *Naksha 'Arra'*, *Naksha 'Irri'* or Sanad Taksim to *prima facie* show as to what prejudice has been caused to them by the manner in which the partition has been carried out.

12. In view of the above, I find no compelling reason to interfere in the impugned orders. Resultantly, the instant writ petition fails and the same is, accordingly, dismissed.

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

13.08.2025

Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No