

2025:PHHC:017651



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

CWP-4300-2024

Date of Decision: 04.02.2025

Anguri Devi @ Angoori Devi

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ram Darshan Yadav, Advocate
for the petitioner.

HARSH BUNGER J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of Certiorari to set aside order dated 06.11.2023 (Annexure P-5) passed by the learned Financial Commissioner, Haryana.

2. Briefly, petitioner herein filed an application seeking partition of the land admeasuring 112 Kanal-5 Marla comprised in Khewat No.934 (as per Jamabandi for the year 2001-02), situated at Village Bawana, Tehsil and District Mahendergarh.

2.1 In the said partition proceedings, the Mode of Partition was sanctioned and thereafter, *Naksha Bey* was called from the field staff. Upon receipt of *Naksha Bey*, the objections thereto were called from the parties,

whereupon, petitioner herein submitted her objections, claiming that she was in possession of the land comprised in Killa No.109//7 and had constructed house and tubewell thereon. The said objection was considered by the learned Assistant Collector, Ist Grade, Mahendergarh and after carrying out the spot inspection, the same was rejected and *Naksha Bey* came to be approved vide order dated 31.03.2011 (Annexure P-1).

2.2 Feeling aggrieved against the aforesaid order dated 31.03.2011 (Annexure P-1), petitioner filed an appeal before the learned Collector, Sub Division Mahendergarh, which came to be allowed vide order dated 27.07.2012 (Annexure P-3) and the matter was remanded to the learned Assistant Collector, Ist Grade, Mahendergarh.

2.3 Being dissatisfied, respondents No.5 to 9 challenged the aforesaid order dated 27.07.2012 (Annexure P-3) by way of filing an appeal before the learned Divisional Commissioner, Gurugram, however, the same was dismissed vide order dated 07.02.2020 (Annexure P-4).

2.4 Thereafter, respondents No.5 to 9 preferred a revision petition (ROR No.85 of 2020-21) before the learned Financial Commissioner Haryana, which was allowed vide order dated 06.11.2023 (Annexure P-5) by setting aside orders dated 27.07.2012 (Annexure P-3) and 07.02.2020 (Annexure P-4) passed by the learned Collector, Sub Division Mahendergarh and learned Divisional Commissioner, Gurugram, respectively; and restoring order dated 31.03.2011 (Annexure P-1) passed by the learned Assistant Collector, Ist Grade, Mahendergarh.

3. In the aforementioned circumstances, the present writ petition has been filed before this Court, seeking relief(s) as noticed hereinabove.

4. Heard.

5. In the instant case, the only argument raised by learned counsel

for the petitioner is that the petitioner had raised construction on Killa No.109//7, however, the said area has not been allocated to her.

6. During the course of hearing, learned counsel for the petitioner was asked to refer to any document/material to indicate the exclusive possession of petitioner over the land comprised in Killa No.109//7, however, he failed to do so.

7. Learned Financial Commissioner, Haryana, while allowing the revision petition filed on behalf of respondents No.5 to 9, vide order dated 06.11.2023 (Annexure P-5), has returned the following finding:-

“ After thoughtful consideration, I am of the considered view that the present revision petition deserves to be accepted. As per the record, the Assistant Collector 1st Grade inspected the spot in presence of co-sharers and respectable persons of the village. The said Authority duly examined the possession of the co-sharer on the specific killa No. and verified the actual possession of the co-owners. The record further suggests that respondent has constructed house and tubewell in Mustil No.110 and she has no connection with the killa No.7 of Mustil No.109, as this Mustil is very much abutting the Mustil No.110. Another point of argument of the respondent that she has been allocated less land is not tenable. For the common passage of 15 Marla land instead of 12 Marla land has been deducted from the share of the every co-sharers as per rules.

In view of above, the order passed by the Divisional Commissioner dated 07.02.2020 as well as order dated 27.07.2012 passed by the Collector, Mahendergarh are hereby set aside and the order dated 31.03.2011 passed by the Assistant Collector, 1st Grade, Mahendergarh is restored.”

7.1 A perusal of the above extracted findings would manifest that a clear observation has been made by learned Financial Commissioner, Haryana that the petitioner has constructed house and tubewell in Rectangle No.110 and she has no connection with the land comprised in Killa No. 7 of

Rectangle No.109.

8. Learned counsel for the petitioner has not able to dislodge the aforesaid observations made by the learned Financial Commissioner, Haryana.

9. Keeping in view the above, I find no merit in the present writ petition and the same is accordingly, dismissed.

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

04.02.2025

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No