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

**LPA-886-2017 (O&M)**  
Date of Decision : **24.07.2025**

**SOHAN SINGH AND OTHERS**

.....Appellants

***VERSUS***

**STATE OF PUNJAB AND OTHERS**

....Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA  
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. S.S.Siwach, Advocate,  
for the appellants.

Mr. Maninder Singh, AAG, Punjab.

Mr. Naresh Kaushal, Advocate,  
for respondents no.5 (through V.C.)

**KULDEEP TIWARI, J.**

1. The partition proceedings of one acre agricultural land, which is to be divided only into two shares, is pending since 2003.
2. The appellants herein, want that the 2<sup>nd</sup> 'Naksha Bey' prepared in 'L' shape be finalised, whereas, contesting respondents want that, the same be divided into two equal portions, as has been done in first 'Naksha Bey' (Annexure P-6).
3. Succinctly, respondent no.5, filed an application for partition of land measuring 8 kanal, and 'Naksha A' for the same was approved way back on dated 17.11.2005, as none of the parties raised any



objection. The mode of partition was suggested on 03.02.2006 (Annexure P-1), and subsequently got approved on the same date itself, as no objection was raised by any of the parties to the *lis*. In pursuance of the sanctioned mode of partition, the land was divided into two equal shares in rectangle shape, whereby, the green portion mentioned in the site plan (Annexure P-6), came in the share of respondent no.5, and the orange portion fell in the share of the present appellants. However, the 'Naksha Bey' was subsequently changed, and the possession was ordered to be disturbed and the area was proposed to be partitioned in 'L' shape, as reflects in the site plan (Annexure P-11).

4. Fetching grievance from subsequent change in 'Naksha Bey', respondent no.5, preferred statutory revision. Learned Commissioner vide order dated 04.08.2009 (Annexure P-15), found that the 'Naksha Bey' is not in accordance with mode of partition, and by any stretch of imagination the partition in 'L' shape of one acre land cannot be considered as an equitable partition, and remanded back the *lis* to the Assistant Collector Ist Grade, concerned, to prepare 'Naksha Bey' in accordance with the sanctioned mode of partition.

5. The appellants challenged the order (*supra*), before the Financial Commissioner concerned, by filing a statutory revision, who after hearing the parties concerned, set aside the order of the learned Commissioner vide order dated 11.01.2013 (Annexure P-10), and affirmed the 'Naksha Bey', which divided one acre of land in 'L' shape.



This order of the Financial Commissioner was challenged by filing a writ petition before this Court. Learned Single Judge finding merits in the writ petition, set aside the order of Financial Commissioner and upheld of the remand order passed by the Commissioner. The instant appeal is directed against the order dated 04.08.2009 of learned Single Judge.

6. Learned counsel for the appellants made serious attempts to throw challenge to the order of the learned Single Judge, and would submit that the order of Financial Commissioner is well reasoned and legal, and ought not to have been interfered with.

7. He, while drawing attention of this Court, towards the order passed by the Commissioner (Annexure P-15), submits that it is a non-speaking order, therefore, it does not pass the test of legality. Continuing with his arguments, he further submits that the AC Ist Grade, visited the spot on dated 20.04.2006, in the presence of parties and thereafter, issued directions to the field staff to prepare an amended 'Naksha Bey', as per the possession of the parties on the spot.

8. During spot verification, finding house of the appellants adjacent to the land in question, amended 'Naksha Bey' was prepared vide order dated 28.07.2006 (Annexure P-11). He, in addition, submits that though share of respondent no.5, has 'L' shape, however, this was done considering the fact that the appellants house were abutting to the disputed land.



9. He, over and above, submits that the amended 'Naksha Bey', is totally in consonance with the approved mode of partitioned, therefore, ought not have been tinkered with by the Commissioner while passing the order of remand.

10. Learned counsel for the contesting respondent no.5 submits that by changing 'Naksha Bey' the Assistant Collector Ist Grade concerned, changed the shape of land of respondent no.5 into 'L' shape, which cannot be considered as equitable partition of one acre of land. He further submits that though the houses of the appellants, are abutting to this one acre land, however, in case the land is partitioned in accordance with first 'Naksha Bey', the half of the portion which comes into the appellants' share, would abut and will provide excess to their house.

11. This Court has considered the submissions, as made by learned counsel for both the parties, and finds that there is no merit in the instant appeal. Learned Single Judge, has specifically, observed that the amended 'Naksha Bey', had been changed to that shape, which was not in accordance with the proposed mode of partition. Further, it is also observed that there is no existence of any residential house upon the land in question except temporary shed, for the purpose of providing protection to the electricity motor or the submersible pump, if any. There is no plausible reason on record through which this Court can accept the 2<sup>nd</sup> Naksha Bey as equitable partition which converts the shape of the land of respondent no.5 into 'L' shape.



12. Consequently, the instant appeal is **dismissed**, being devoid of merits.

13. Further, this Court observes that since the partition of one acre of land which is to be divided into only two equal shares is pending since 2003, therefore, a direction is passed upon the Assistant Collector Ist Grade concerned, to finalise the partition proceedings within a period of 04 months from the date of receipt of a certified copy of this Court.

14. All pending application(s), if any, also stand **disposed** of accordingly.

**(ASHWANI KUMAR MISHRA)**  
**JUDGE**

**(KULDEEP TIWARI)**  
**JUDGE**

**July 24, 2025**  
*dharamvir*

Whether speaking/reasoned. : Yes/No  
Whether Reportable. : Yes/No