



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

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**LPA-744-2025 (O&M)  
Decided on : 25.09.2025**

BORIA SINGH @ BORIYA SINGH (SINCE DECEASED) THROUGH  
LRS AND OTHERS

. .Appellants

Versus

FINANCIAL COMMISSIONER (APPEALS), PUNJAB AND OTHERS

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI  
HON'BLE MRS. JUSTICE RAMESH KUMARI**

PRESENT: Mr. Parveen Kumar Garg, Advocate  
for the appellants.

Mr. Rahul Rampal, Additional Advocate General, Punjab.

Mr. Vikram Sharma, Advocate  
for respondents No. 12 to 14.

Ms. Simranjeet Kaur, Advocate for  
Mr. Chandeeep Singh, Advocate  
for respondent No. 15.

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**HARSIMRAN SINGH SETHI , J. (Oral)**

1. In the present appeal, the challenge is to the order dated 12.12.2024 passed by the learned Single Judge, by which, Civil Writ Petition No. 32789 of 2024 filed by the appellants challenging the order dated 19.02.2016 (Annexure P-6), 02.06.2017 (Annexure P-7), 16.08.2022 (Annexure P-8) and 16.09.2024 (Annexure P-10), has been dismissed.

2. Learned counsel for the appellant submits that the grievance raised by the appellant is qua the non grant of the passage to the appellants which is required by them to reach to their land and the same is causing prejudice to the appellant and moreover, the said fact has not been appreciated by the learned Single Judge while passing the impugned order



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dated 12.12.2024, rather findings have been recorded by the learned Single Judge that the passage to reach all three parcels of land which land has been partitioned by the revenue authority, exists with the appellants, which finding reached upon by the Learned Single Judge, is incorrect, hence, the impugned order dated 12.12.2024 is liable to be set-aside.

3. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

4. It may be noticed that in order to verify certain facts qua issue in hand, the SDM of the area concerned had been directed to file an affidavit vide order dated 24.07.2025 passed by the Co-ordinate Division Bench of this Court.

5. In pursuance to the aforesaid order dated 24.07.2025, an affidavit of Suba Singh, SDM Lehra dated 19.09.2025 has been filed and the same is taken on record. In the said affidavit, in paragraph No. 4 following facts have been mentioned:-

*“4. That after verifying the revenue record and as per report of field revenue staff Annexure-A, it is submitted that a partition proceedings titled as “Boria Singh etc. Versus Ram Krishan etc. “ is pending in the Court of Assistant Collector Grade I, (Naib Tehsildar) Lehra and as per Naksa “Arra” Khasra No. 15//19/1, 20/1, 22. 23/1/2 which have been allotted to him already has a passage as per revenue record and the same is duly shown in Naksha “Arra” in brown colour. Further Khasra nos. 94//15, 16, 95//11/1, 20/2 which have been allotted to the petitioner have also passage as per revenue record and Akash Latha,*



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*passage to Khasra numbers 83//12, 20, 84//16, 17/2, 18/2, 19/2, 22/2, 23, 93//2/1 have been given in Naksha "Arra" in present partition case which has been shown in Naksha in red colour."*

6. A bare perusal of the above mentioned fact would show that whole of the land that had been partitioned, such partitioned land is connected by a passage, which fact has been mentioned even by the authorities concerned and along with the affidavit of SDM Lehra, a *map* has also been attached which very clearly shows that there is a passage which exists which will allow the appellants to reach all the three parcels of land which has been created while partitioning the land which fact has been unrebutted at the hands of the learned counsel for the appellants.

7. Keeping in view the fact that once a clear factual position has emerged after the filing of the affidavit by the SDM Lehra, which is in consonance with the findings recorded by the learned Single Judge while passing the impugned order dated 12.12.2024, that a passage already exists to reach the three parcels of land, hence, the arguments of the learned counsel for the appellants that the appellants do not have passage to reach three parcels of land which has not been appreciated by the learned Single judge, cannot be accepted.

8. No further arguments have been raised.

9. Keeping in view the totality of the facts and circumstances and as no perversity has been shown to this Court with the order dated 12.12.2024 passed by the learned Single Judge that the same is contrary to the facts or the settled principle of law, no ground is made out for any interference by this Court in the facts and circumstances of the present case.



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10. Accordingly, the present appeal is dismissed.
11. Pending civil miscellaneous application(s), if any, stand disposed of.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

**( RAMESH KUMARI )**  
**JUDGE**

**25.09.2025**

*Riya*

*Whether speaking/reasoned: Yes/No*

*Whether Reportable: ~~Yes~~/No*