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

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**CWP-25112-2025 (O&M)  
Date of Decision: 28.08.2025**

Omparkash @ Om Prakash Sharma

....Petitioner

Versus

Commissioner, Gurugram Division, Gurugram and others ....Respondents

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**Present : Mr. Prashant Singh Chauhan, Advocate  
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

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**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 01.03.2023 (Annexure P-9), order dated 03.01.2024 (Annexure P-11/A), order dated 16.10.2024 (Annexure P-16), all passed by learned Assistant Collector 1<sup>st</sup> Grade, Pataudi.

1.1 A further prayer has been made for setting aside Sanad Taksim dated 23.10.2024 (Annexure P-18), order dated 09.08.2024 (Annexure P-12) passed by learned Collector, Pataudi and order dated 08.04.2025 (Annexure P-14) passed by learned Commissioner, Gurugram Division, Gurugram.

1.2 Another prayer has been made for setting aside order dated 16.07.2025 (Annexure P-19) passed by learned Commissioner, Gurugram Division, Gurugram.



2. Briefly, respondent No.3- Vijay Kumar sought partition of joint land measuring 52 kanals situated at Village Jatoli, Tehsil Pataudi, District Gurugram, wherein the petitioner appeared and participated in the partition proceedings.

2.1 In the partition proceedings, *Naksha 'Alif'* was prepared and thereafter Mode of Partition (Annexure P-5) was finalized. Initially, *Naksha 'Bey'* was proposed, however, since there were certain objections thereto, accordingly the first *Naksha 'Bey'* was set aside vide order dated 01.03.2023 (Annexure P-9) passed by learned Assistant Collector and a fresh *Naksha 'Bey'* was called for.

2.2 Upon receipt of amended *Naksha 'Bey'*, again objections were filed by the petitioner, which came to be dismissed vide order dated 03.01.2024 (Annexure P-11/A) passed by learned Assistant Collector 1<sup>st</sup> Grade, Pataudi and *Naksha 'Bey'* was approved.

2.3 Feeling aggrieved against order dated 03.01.2024 (Annexure P-11/A) approving *Naksha 'Bey'*, the petitioner filed an appeal before the learned Collector, Pataudi, which was dismissed vide order dated 09.08.2024 (Annexure P-12).

2.4 Thereafter, the petitioner preferred a revision before the learned Commissioner, Gurugram Division, Gurugram, which was dismissed vide order dated 08.04.2025 (Annexure P-14).

2.5 It transpires that during the pendency of the aforesaid proceedings before the appellate/revisional authorities, the learned Assistant Collector issued Sanad Taksim dated 23.10.2024 (Annexure P-18). Accordingly, the petitioner preferred a revision before the learned Commissioner laying challenge to *Naksha 'Zeem'* and Sanad Taksim therein.



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2.6 The said second revision petition filed by the petitioner challenging Sanad Taksim was dismissed by learned Commissioner, Gurugram Division, Gurugram vide order dated 16.07.2025 (Annexure P-19).

3. In the aforementioned circumstances, the petitioner has filed the instant Writ Petition before this Court for seeking relief(s) as noticed hereinabove.

4. Learned counsel for the petitioner submits that learned Assistant Collector has erred in law and fact in passing the impugned order. It is submitted that killa Nos.139//4 and 139//5 have been wrongly allocated to respondent No.3- Vijay Kumar, whereas the said killa numbers were in possession of the petitioner. Therefore, the partition has been carried out in violation of the Mode of Partition, especially Clause 4 thereof which provides that partition shall be carried out by maintaining the possession.

5. Heard.

6. During the course of hearing, a specific query was raised to learned counsel for the petitioner as to whether the petitioner can show his possession over killa Nos.139//4 and 139//5 from any revenue records. In response thereto, learned counsel for the petitioner has shown a vernacular copy of *jamabandi* as well as the *khasra girdawari*, however in both the said documents, the entry in the cultivation column as regards land comprised in killa Nos.139//4 and 139//5 is recorded as "*khud kasht wa makbuja malkan*".

7. The aforesaid entry reflects the joint possession of all the co-sharers. Therefore, learned counsel for the petitioner has failed to justify his claim to killa Nos.139//4 and 139//5.



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8. That apart, along with the aforesaid revenue documents, the petitioner has also shown a copy of *Aks Shajra* attached to *Naksha 'Bey'*, which reflects the manner in which the area has been allocated to the petitioner and respondents No.3 and 4. When the aforesaid *Aks Shajra* is seen in the light of the entries made in *Naksha 'Zeem'*, it would be apparent that the petitioner has been allocated a compact block of land comprised in killa Nos.134//15/2/3, 16/1, 17 and 24 whereas, respondents No.4 and 5 have been allocated land in two pockets i.e. one pocket comprised in killa No.134//15/2/2 and the balance area has been given to respondents No.4 and 5 out of land comprised in killa Nos.134//25, 139//4 and 139//5.

9. Learned counsel for the petitioner has failed to demonstrate as to what prejudice has been caused to the petitioner by the manner in which the land has been partitioned. It is not the case of the petitioner that he has not been allocated land as per his due entitlement.

10. Considering the totality of circumstances, I find no compelling reason to interfere in the impugned orders. Resultantly, the instant writ petition fails and the same is, accordingly, dismissed.

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

**28.08.2025**

*Himani*

**(HARSH BUNGER)  
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No