

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

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**CWP-8092-2025**

**Date of Decision: 24.03.2025**

Avtar Singh

..... Petitioner

Versus

Financial Commissioner, Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. Malhar Singh Dhama, Advocate  
for the petitioner.

Mr. Navneet Singh, Senior DAG, Punjab.

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**HARSH BUNGER J. (ORAL)**

Petitioner (Avtar Singh) has filed the instant writ petition under Articles 226 and 227 of the Constitution of India, *inter alia*, seeking a writ in the nature of Mandamus for directing the Financial Commissioner, Punjab (respondent No.1) and the Deputy Commissioner-cum-District Revenue Officer, District Hoshiarpur (respondent No.2) to initiate/conduct appropriate enquiry and take appropriate action as per law against the Assistant Collector, 1<sup>st</sup> Grade, Tanda, District Hoshiarpur (respondent No.3), who has failed to perform his assigned official duties.

1.1 A further prayer has been made for directing respondent No.3 herein to correct the share of land of the petitioner in the Revenue Records, as per Sale Deed dated 27.11.2003 (Annexure P-1).

2. As per the petitioner, he had purchased land measuring 32 Kanal in Village Miani, Sub Tehsil Tanda, Tehsil Dasuya, District

Hoshiarpur, vide Sale Deed dated 27.11.2003 (Annexure P-1), from one Ishar Singh son of Nanak Singh. It is stated that out of the aforesaid 32 Kanal of land, the area measuring 16 Kanal-7 Marla was exclusively owned and possessed by said Ishar Singh and the remaining 15 Kanal-13 Marla of area was jointly owned and possessed by Ishar Singh along with other co-sharers.

2.1 It is stated that two co-sharers, namely Amandip Singh and Mandip Singh, had filed an application seeking partition of the aforesaid joint land and the partition proceedings therein were finalized vide order dated 21.11.2019 (Annexure P-2) passed by the learned Assistant Collector, 1<sup>st</sup> Grade, Tanda, District Hoshiarpur.

2.2 It transpires that in the said partition proceedings, petitioner's share has been kept joint with other co-sharers in a joint *kurah* (block) measuring 210 Kanal-17 Marla, whereby petitioner has been given 240 shares, which comes to 12 Kanal of land.

2.3 According to the petitioner, he had purchased 15 Kanal-13 Marla of land out of the joint *khewat*, from Ishar Singh son of Nanak Singh; as against which, he has been allocated only 12 Kanal of land, and therefore, less land to the extent of 3 Kanal-13 Marla has been given to him.

2.4 It appears that partition order dated 21.11.2019 (Annexure P-2) passed by the learned Assistant Collector, 1<sup>st</sup> Grade, Tanda, District Hoshiarpur has further been implemented in the Revenue Records, vide Mutation No.14382.

2.5 Petitioner states that he is an N.R.I. and during one of his visits to India, he noticed the deficiency of land in his share in the Revenue Records and accordingly, he submitted application dated 05.11.2021

(Annexure P-3) before the learned Assistant Collector, 1<sup>st</sup> Grade, Tanda, District Hoshiarpur, however, no action was taken thereon. Thereafter, petitioner is stated to have served legal notice dated 28.03.2024 (Annexure P-4) upon the Financial Commissioner, Punjab (respondent No.1) and the Deputy Commissioner-cum-District Revenue Officer, District Hoshiarpur (respondent No.2), but no action has been taken thereon as well, till date.

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

4. Heard.

5. As per the own pleaded case of petitioner, he had purchased land measuring 32 Kanal in Village Miani, Sub Tehsil Tanda, Tehsil Dasuya, District Hoshiarpur from one Ishar Singh son of Nanak Singh. Out of the said purchased land, 15 Kanal-13 Marla of area was jointly owned and possessed by Ishar Singh along with other co-sharers; therefore, the petitioner became a co-sharer in the said joint land. Evidently, the aforesaid joint land was subjected to partition proceedings, wherein final order of partition dated 21.11.2019 (Annexure P-2) was passed by the learned Assistant Collector, 1<sup>st</sup> Grade, Tanda, District Hoshiarpur, wherein petitioner's share has been kept joint with the other co-sharers by carving out a separate *kurah* (block). The only grievance of the petitioner is that in the said partition proceedings/order, petitioner has been allocated 240 shares out of the total 210 Kanal-17 Marla of area (total 4217 shares), which comes to 12 Kanal, as against his entitlement of 15 Kanal-13 Marla. The said partition order (Annexure P-2) has further been reflected in the Revenue Records vide Mutation No.14382.

6. In my considered view, if the petitioner had any grievance

against the aforesaid partition order dated 21.11.2019 (Annexure P-2) then he should have challenged the same by availing his appropriate legal remedies before the court of competent jurisdiction. On the other hand, if petitioner's vendor has sold him the land in excess of his (vendor's) share in the joint land then the petitioner could have availed his remedies against his vendor; however, he preferred to file the instant writ petition before this Court, seeking directions upon the Financial Commissioner, Punjab (respondent No.1) and the Deputy Commissioner-cum-District Revenue Officer, District Hoshiarpur (respondent No.2) to initiate action against the Assistant Collector, 1<sup>st</sup> Grade, Tanda, District Hoshiarpur (respondent No.3); which in the peculiar facts and circumstances of this case, is certainly not called for.

7. In this view of the matter, the present writ petition is dismissed, however, leaving it open to the petitioner to avail his appropriate remedies, in accordance with law, if so advised.

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

**24.03.2025***Apurva***(HARSH BUNGER)  
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No