



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

**CWP-32087-2025 (O&M)**  
**Date of decision :31.10.2025**

NARESH KUMAR AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

Present : Mr. Navmohit Singh, Advocate  
and Mr. Najar Singh, Advocate  
for the petitioners.

Mr. Abhimanyu Antil, D.A.G., Haryana.

**HARSH BUNGER, J. [ORAL]**

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the *sanad takseem* dated 24.12.2024 (Annexure P-5) passed in the partition proceedings of agricultural land comprised in *khewat No.48, khata Nos.63 and 65*, situated in Village Machhraula, Hadbast No.21, Tehsil and District Sonipat.

2. Briefly, respondent No.3 filed an application seeking partition of joint land, comprised in *khewat No.48/46*, measuring *41 kanal 11 marlas* situated at Village Machhraula, Tehsil and District Sonipat (*as per jamabandi for the year 2021-22*).

2.1 In the afore-said partition proceedings, naksha '*ka*' was prepared according to which, the petitioners' entitlement to land was stated

as 2 *kanal*–11 *marlas* each. Thereafter, mode of partition (Annexure P-3) was prepared and on that basis, the partition proceedings were carried out by preparing and approving *naksha 'kha'* followed by *naksha 'ga'* and the partition proceedings culminated into with the drawing of *sanad takseem* dated 24.12.2024 (Annexure P-5).

2.2 In the afore-mentioned circumstances, the present writ petition has been filed before this Court, for seeking relief as noticed here-in-above.

3. Heard.

4. At the outset, it is noticeable that although, *sanad takseem* (Annexure P-5) can be challenged before the learned Commissioner under Section 16 of the Haryana Land Revenue Act; however, petitioners have chosen to file the writ petition directly before this Court.

5. Learned counsel for the petitioners has raised two fold arguments; *firstly* that while carrying out the final partition, the possession of the petitioners over *khasra No.4//19* and *20* has been disturbed, which is contrary to Clause 6 of the mode of partition (Annexure P-3). *Secondly*, the petitioners have been allotted land, which is in possession of *gair marusi*.

5.1 As regards the first contention, a specific query was put to learned counsel for the petitioners as to whether the petitioners had raised any objection to the proposed *naksha 'kha'*; to which, the answer of the learned counsel for the petitioners was in 'negative'. Therefore, once the petitioners had failed to raise any objection at the relevant stage of partition proceedings, when *naksha 'kha'* was proposed (which indicated the manner in which the land was to be divided amongst the co-sharers), now at this stage, when *naksha 'kha'* (as proposed) has been approved and on that basis, *naksha 'Ga'* was finalized and *sanad takseem* stands issued; the petitioners cannot be permitted to turn around and re-open the entire

partition proceedings by objecting to the manner in which the land has been allocated amongst the co-sharers. Accordingly, the first contention of the petitioners stands rejected.

5.2           Coming to the second contention that the petitioners have been allotted land, which is in possession of *gair marusi*; suffice it to say that upon final partition, a *gair marusi* (tenant) under particular co-owner will be entitled to occupy only that area, which is allocated to his landlord. If the so-called *gair marusi* (tenant) was not inducted by the petitioners then they shall not be entitled to the possession of the land, which has been allocated to the petitioners under the *sanad takseem*.

- 6.           No other point has been urged.
- 7.           Keeping in view the above, I find no merit in this petition and the same is, accordingly, dismissed.
- 8.           All pending applications (if any) shall also stand closed.

<b>October 31, 2025</b>	<b>(HARSH BUNGER)</b>
gurpreet	<b>JUDGE</b>
Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No