

(2025) 07 P&H CK 1380
In the Punjab And Haryana At Chandigarh
Case No : CWP Of 20868 Of 2025

Indu Bhushan And Another	Vs	APPELLANT
State Of Haryana And Others		RESPONDENT

Date of Decision : 24-07-2025

Acts Referred:

Constitution Of India, 1950 — Article 226, 227
Land Acquisition Act, 1894 — Section 48

Citation : (2025) 07 P&H CK 1380

Hon'ble Judges : Harsh Bunker, J

Bench : Single Bench

Advocate : Bhunesh Lakhera, Kapil Bansal

Final Decision : Dismissed

Judgement

Harsh Bunker, J

1. Prayer in the present petition, filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing respondents No.2 to 8 to decide the representation dated 20.03.2025 (Annexure P-6) submitted by the petitioners to update/correct the revenue records in respect of their shares.

2. Briefly, the petitioners claim to be co-sharers in the land comprised in khewat No.2167/2042 (as per jamabandi for the year 2023-24), measuring 31 kanals-13 marlas. It is stated that some part of land comprised in Rectangle no.228, Killa no.16(min) and Rectangle no.229, Killa no.11/2 was acquired for development of Sector 17, Rewari vide Award no.31 dated 20.01.2006. Petitioners are stated to have purchased the land from S/Shri Umrao Singh and Kailash Chand sons of Sh. Bansi Ram.

2.1 In para 4 of the writ petition, it is averred that a notification 2025:PHHC:094441 dated 24.10.2005 (Annexure P-3) came to be issued by the Government

whereby, the acquired land of village Rewari was de-notified under Section 48 of the Land Acquisition Act.

2.2 It is further averred in para No.5 of the writ petition that in

furtherance to the afore-said notification dated 24.10.2005 (Annexure P-3), the concerned Estate Officer issued demand letter dated 18.07.2012 and 15.06.2012 to the vendors of the petitioners namely, Umrao Singh and Kailash Chand, calling upon them to pay the external development charges amounting to Rs.77,700/- each; which amount is stated to have been deposited by S/Shri Umrao Singh and Kailash Chand, vide receipts Annexure P-5.

2.3 Petitioners claim that they are in possession of land comprised

in Rectangle no.228, Killa no.16 and they have requested the respondent authorities for making proper demarcation and also to carve out tatima as regards the share of the petitioners; however, despite submission of representation dated 20.03.2025, no action has been taken thereupon.

2.4 In the afore-mentioned circumstances, the present writ petition has been filed by the petitioners before this Court.

3. Heard.

4. As per the Revenue record/Jamabandi (Annexure P-1), the petitioners are recorded as co-owners in the land comprised in khewat No.2167/2042, Rectangle no.228, Killa no.16(8-0), 17(7-9), 18(7-9), 19(7-3); Rectangle no.229, Killa no.11/2(1-12). Further, the afore-said entire area has been recorded as gair mumkin.

4.1Concededly, some area out of Killa no.228//16 (min) and 229//11/2 was acquired and an entry to that effect is clearly recorded in the remarks column of the vernacular copy of jamabandi for the year 20232025:PHHC:094441-24 (Annexure P-1). The petitioners claim to have purchased land from S/Shri Umrao Singh and Kailash Chand; however, the copy of the sale deed has not been placed on record. Further, the petitioners claim to be in possession of land comprised in Rectangle no.228, Killa no.16; although, the said fact is not borne out from the revenue record as the entry in the cultivation column of Jamabandi (Annexure P-1) reads as "Makbooja Malkan" i.e. joint possession of all the co-sharers.

5. Considering the afore-mentioned facts and circumstances, since petitioners No.1 and 2 are recorded as co-owners to the extent of 7/633 share and 13/1266 share, respectively; they can very well approach the Court of Competent jurisdiction to seek partition of their share as per law, especially in view of the fact that the entire area comprised in khewat No.2167/2042 is recorded as gair mumkin and therefore, not amenable to the jurisdiction of revenue authorities for the purposes of partition.

6. In view of the above, I find no merit in the instant writ petition and the same is, accordingly, dismissed; however, leaving it open to the petitioners to seek partition of their share in the joint land (if so advised), in accordance with law.

7. All pending application/s, if any, shall also stand closed.