
(2025) 11 P&H CK 1949

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 12813 Of 2017 (O&M)

M/S Logical Developers Private Limited And Another	APPELLANT
Vs	
State Of Haryana And Others	RESPONDENT

Date of Decision : 13-11-2025

Acts Referred:

Constitution Of India, 1950 — Article 226, 227
Haryana Land Revenue Act, 1887 Section 13, 111

Citation : (2025) 11 P&H CK 1949

Hon'ble Judges : Jagmohan Bansal, J

Bench : Single Bench

Advocate : Sanjay Vij, Uday Vij, Ravi Partap Singh, Jagjot Singh, Vipul Sharma, Amit Jain

Final Decision : Disposed Of

Judgement

Jagmohan Bansal, J

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 19.12.2016 (Annexure P-13) whereby Financial Commissioner, Haryana has set aside orders dated 26.06.2008, 03.07.2008, 26.08.2010 of Assistant Collector, 1st Grade, Gurugram as well as orders dated 05.04.2011 passed by Collector, Gurugram and 01.08.2013 passed by Commissioner, Gurugram and remanded the matter back to Assistant Collector, 1st Grade, Gurugram.

2. On 02.06.2008, M/s Mohak Real Estate Private Limited, New Delhi filed an application for partition of land measuring 170 Kanals 11 Marlas situated within revenue estate of village Begumpur Khatola, Tehsil and District Gurugram on the basis of Jamabandi for the year 2003-04. Ex- Geeta and Sarita both daughters of Ganga Pal (for short hereinafter referred to as 'respondents'). The Assistant Collector, 1st Grade, Gurugram completed process of partition and issued Sanad Takseem. The respondents preferred an appeal before the Collector, Gurugram who vide order dated 05.04.2011 dismissed their appeal. They further preferred

appeal before the Commissioner, Gurugram who vide order dated 01.08.2013 dismissed their appeal. They preferred revision before Financial Commissioner, Haryana who vide order dated 19.12.2016 remanded the matter back to Assistant Collector, 1st Grade, Gurugram.

3. Learned counsel for the petitioners submits that respondents relinquished their right in the land in question vide deed dated 12.05.2008. Relinquishment was implemented by way of deed registered with Sub-Registrar. As soon as relinquishment deed was registered, the respondents no more remained owner of the land in question. They were not required to be impleaded. On account of lack of proper knowledge, they were impleaded and Assistant Collector, 1st Grade, Gurugram passed the order considering them co-sharers. They, despite not being owners of the land, preferred appeals/revision before the higher authorities. They had no locus standi. As per Section 111 read with 13 of Haryana Land Revenue Act, 1887 (for short '1887 Act'), they were ineligible to participate in the partition proceedings. They unnecessarily filed appeals/revision and dragged the matter to higher authorities. They never disclosed the fact that they have already relinquished their right in favour of third party. 2003-04. As per Jamabandi for the year 2003-04, the respondents were co- sharers. As per Section 111 of 1887 Act, an application seeking partition is filed on the basis of Jamabandi disclosing ownership of the co-sharers. As per Jamabandi for the year 2003-04, the respondents were co-sharers, thus, they had every right to participate in the partition process as well as file appeal/revision before higher authorities.

5. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

6. From the perusal of record, it is evident that all the authorities were bereft of factum that respondents have already relinquished their right by the date of filing application seeking partition though no amendment was made in the Jamabandi. The partition application was filed on the basis of Jamabandi of the year 2003-04. On account of absence of aforesaid fact, the authorities have not adverted to question of right of respondents to file appeal/revision or participate in the partition proceedings. In these circumstances, the matter needs to be re-considered by Revenue Authorities. The matter is pending before this Authorities since 2008, thus, to cut the litigation short, I deem it appropriate to remand the matter to Financial Commissioner, Haryana to pass a fresh order after granting opportunity of hearing to the petitioners as well as respondents herein.

7. It is made clear that Financial Commissioner, Haryana would seek reports, if required, from the Authorities below but would not remand the matter back to lower authorities.

8. The parties at the first instance shall appear before the Financial Commissioner, Haryana on 02.12.2025 at 10:00 AM and thereafter, as directed by the said authority.

9. The petition stands disposed of in above terms.

10. Pending application(s), if any, shall stand disposed of.