

**GOVERNMENT OF PUNJAB  
DEPARTMENT OF REVENUE AND REHABILITATION  
(LAND REVENUE BRANCH)**

To

1. All the Divisional Commissioners in the State;
2. All the Deputy Commissioners in the State;
3. All the Sub Divisional Magistrates in the State;

Chandigarh, dated the 29-8-2006

**Subject : Expeditious disposal of applications for partition of land in the State.**

Sir,

I am directed to refer to the subject noted above and to say that the matter of expeditious disposal of applications for partition of land has been engaging the attention of the State Government for some time. It has been observed that although the detailed provisions exist in the Punjab Land Revenue Act, 1887 to dispose of this matter but the proceedings are prolonged on account of following reasons besides other aspects :-

- (1) when there is a question as to title in any of the property of which partition is sought;
- (2) preference of an appeal against the orders of the Revenue Officer by one of the parties.

2. These two aspects have been considered by the State Government and the position is summarised as under :-

- (1) *when there is a question as to title in any of the property of which partition is sought;*

Section 117(1) of the Punjab Land Revenue Act, 1887 inter alia lays down that :-

"When there is a question as to title in any of the property of which partition is sought, the revenue officer may decline to grant the application for partition until the question has been determined by a competent court, or he may himself proceed to determine the question as though he were such a court."

The perusal of these provisions, as reproduced above, clearly show that a revenue officer can himself proceed to determine the question of title to property as he were a civil court. In this context if the question of title has already not been determined by the competent court, the concerned revenue officer should invariably proceed to determine the title by following the procedure of the C.P.C. as laid down therein. The parties to the partition of land are of course free to get the title determined in the Civil Court as per foregoing provisions. In other words the parties to partition will not be compelled by the revenue officer to approach the Civil Court rather he may himself proceed for this purpose.

- (2) *preference of an appeal against the orders of the Revenue Officer by one of the parties.*

It has been observed that the parties to the partition approach the next higher authority in an appeal against the orders of revenue officer passed in the partition proceedings. A close look at the provisions of the Punjab Land Revenue Act, 1887 would show that an appeal lies against the orders of revenue officer at the following stages only:-

- (i) Whether the question of title is involved or not;
- (ii) the orders concerning the mode of partition;
- (iii) orders regarding Naqsha 'Bey';

The above narration makes it clear that the appeal if made are not to be considered against any order except at the above three stages. The attempt of the parties to prefer appeal(s) against the interlocutory orders or interim orders may not be entertained and a suitable order containing the legal provisions be passed so that the real objective of the partition may be achieved in an expeditious manner.

3. The revenue officers will only refer to the legal aspects as contained in the relevant Act and not to these instructions which are only being issued to facilitate the speedy disposal of cases and to avoid the pit fall(s).

4. (a) The revenue officers of different classes have been vested with the powers of review or revision under the provisions of the Punjab Land Revenue Act. While Section 15 of the Act *ibid* contains provision regarding the powers of review, Section 16 refers to the powers of revision. To summarise, the powers of review are exercised:-

- (i) when an applicant contends that there was certain new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed; or
- (ii) that there is some mistake or error apparent on the face of the record; or
- (iii) on any other sufficient ground, for instance, that the notice of appearing before the Revenue Officer on the appointed date was not served upon him.

However, an order against which an appeal has been preferred shall not be reviewed as provided under Clause (d) of Section 15(1) of the Punjab Land Revenue Act. Further review is made by the officer who had decided the matter earlier including his predecessor's order. Therefore, exercise of these powers needs a very conscious approach.

(b) Powers of revision are exercised by the next higher authority wherever the subordinate court appears :-

- (a) to have exercise jurisdiction not vested in it by law; or
- (b) to have failed to exercise jurisdiction so vested; or
- (c) to have acted in exercise of its jurisdiction illegally or with material irregularity.

Therefore, the distinction between the review and revision is quite clear and be kept in mind while considering such cases.

5. This may be brought to the notice of all the revenue officers.

Sd/-  
Under Secretary Revenue (B)

Endst. No. 27/45/2000-LR-IV/5160

Chandigarh, dated the 29-8-2006

A copy is forwarded to the Director, Land Records, Punjab Jalandhar for information and necessary action.

Sd/-  
Under Secretary Revenue (B)