

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

CWP No. 1889 of 2001

Date of decision : 09.01.2015

Mohan Singh

....Petitioner

V/s

Financial Commissioner, Cooperation, Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. G.S. Nagra, Advocate for the petitioner.

Mr. V. Ramswaroop, Addl. A.G. Pb.

Mr. Nakul Sharma, Advocate for respondent no. 16.

RAJAN GUPTA J.

Petitioner has impugned order dated 13.09.1999 passed by Financial Commissioner, Punjab, operative part whereof reads as under:-

"I have considered the pleas of the parties and also have gone through the record as well as written arguments. In my considered opinion the present reference has some merit and the assertions of the petitioner are based on the report of spot inspection made by the local commission appointed by the Commissioner. The main point now involved is about MOP which is not acceptable to the petitioner as the possession of the has been disturbed. The report of local commission (1.6.94) has already established that petitioner has constructed pucca building in one of Khasra Nos. on which petitioner has incurred heavy expenditure so her possession must be honoured. Accordingly, the recommendations of Commissioner in reference are accepted and impugned orders of AC-1,

Jalandhar (22.9.89) and order of Collector Jalandhar (21.5.1991) are set aside. The case is remand to AC-1, Jalandhar with the directions that land in dispute be partitioned afresh, strictly keeping in view the possession of the parties. The parties have been directed to appear before him for further proceedings."

Limited grievance of the petitioner is that partition should be carried out in accordance with law and also keeping in view the mode of partition which was drawn up. According to him, Financial Commissioner has erred in directing that A.C. Ist Grade would partition the land afresh strictly in accordance with possession of the parties.

Learned counsel appearing for respondent no. 16 submits that certain construction alongwith tubewell exist in the land. Same may be left to the share of respondent no. 16.

Without expressing any opinion on the merits of the case, I deem it fit to uphold the order of Financial Commissioner, Punjab remanding the case to Assistant Collector Ist Grade for decision afresh. However, he shall keep in view respective stand of the parties as well as mode of partition. Matter be decided as expeditiously as possible.

Parties shall appear before the concerned authority on 29.01.2015 at 10:00 am.

Disposed of.

January 09, 2015
Ajay

(RAJAN GUPTA)
JUDGE