

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

CWP No.13438 of 2012
Date of Decision: 01.09.2015

Bahadur Singh

. . . .Petitioner

Versus

The State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Sanjay Gupta, Advocate,
for the petitioner.

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

Mr.GPS Randhawa, Advocate,
for respondents No.5 to 7.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner is aggrieved against the order passed by the Financial Commissioner dated 1.6.2011.

In short, respondents No.5 to 7 filed an application under Section 14A(i) of the Punjab Security of Land Tenures Act, 1953 against the petitioner for seeking his eviction on the ground of non-payment of arrears of rent. However, the respondents have allegedly given three different dates from when the petitioners had to pay the arrears of rent and at the same time the rate of rent and the amount to be recovered was not disclosed.

Be that as it may, the application filed by respondents No.5 to 7 was allowed by the AC Ist Grade, Hoshiarpur on 15.9.2008 and the appeal filed there against by the petitioner was dismissed by the Collector, Hoshiarpur on 30.6.2009. However, the revision

petition filed by the petitioner was recommended by the Commissioner, Jalandhar Division, Jalandhar, for acceptance to the Financial Commissioner (Revenue), Punjab after recording firm findings in his favour.

The Financial Commissioner (Revenue), Punjab, however, rejected the recommendation only by passing the following order: -

“I have gone through the written arguments submitted by the counsel for both the parties and have perused the order of the lower revenue courts. It has been proved on record that the petitioner/tenant has failed to pay the rent to the respondent without sufficient cause. The AC Ist Grade has rightly ejected him on this ground. Further, the Collector has also dismissed the appeal of the petitioner. I find no perversity of illegality in the orders of the lower revenue courts. The same are upheld. The reference recommended by the Commissioner, Jalandhar Division, Jalandhar vide order dated 31.5.2010 is hereby rejected.”

Learned counsel for the petitioner has argued that not only that the respondents No.5 to 7 have failed to disclose the rate of rent and are also not assure about the period which is involved but also the order passed by the Financial Commissioner (Revenue), Punjab is totally non-speaking and has been passed without application of mind.

Learned counsel for respondents No.5 to 7 has vehemently contested the petition and argued that it has come on

record in the statement of AW1 Gulbir Singh that the rent/chakota of the land in dispute is not less than ₹10,000/- per acre. It is also argued by him that if it was the duty of the landlord to mention about the rate of rent and the amount of arrears, it was also the duty of the tenant/petitioners to disclose the rate of rent in the Court as in any case he is a tenant over the property in dispute and not a trespasser.

I have heard both the learned counsel for the parties and after considering their rival contentions, am of the considered opinion that at this stage it would be suffice to set aside the order of the Financial Commissioner (Revenue), Punjab dated 1.6.2011 as the said order is passed without giving any cogent reason which is a *sine qua non* even for a quasi judicial order especially when the Financial Commissioner (Revenue) was not accepting the recommendation of the Commissioner, Jalandhar Division, Jalandhar and has rather rejected the same.

Thus, in view of the aforesaid discussion, the order dated 1.6.2011 is hereby set aside and the matter is remanded back to the Financial Commissioner (Revenue), Punjab to decide the case once again after giving reasons in its order as to why he would not accept the recommendations of the Commissioner, Jalandhar Division, Jalandhar dated 31.5.2010.

Parties are directed to appear before the Financial Commissioner (Revenue) on 28.9.2015.

01.09.2015
Vivek

(RAKESH KUMAR JAIN)
JUDGE