

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 13071 of 2013

Date of Decision: 5.2.2015

Baldev Singh

... Petitioner(s)

Versus

The Financial Commissioner (Revenue), Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Rajan Gupta.

Present: Mr. Ashok Kumar Khunger, Advocate
for the petitioner(s).

Mr. V. Ram Swaroop, Additional Advocate
General, Punjab for respondents No.1 to 4.

Mr. Surinder Gaur, Advocate
for respondents No.5 and 6.

Mr. N.S.Chahal, Advocate
for Mr. J.S.Brar, Advocate
for respondent No.7.

Rajan Gupta, J.

Petitioner is aggrieved by order passed by the Financial
Commissioner, Punjab. Operative portion whereof reads as under:-

*“3. I have carefully gone through the written arguments
filed by both the counsel, revision petition as well as order and
record of the lower courts. In my considered view the revision
petition is devoid of any merit and deserve to be dismissed. I
agree with the findings of Commissioner that revenue officers
are to ensure that the khal and pahi is provided in such a way
that the land of the share holders is not separated into
different parts or tucks. Since the case has simply been*

remanded to A.C.I. the petitioner will have full opportunity to project his case before the A.C.I. I do not see any miscarriage of justice in the present case. The revision petition carries no merits and is accordingly dismissed.”

Counsel for the petitioner has assailed the order on the ground that watercourses and passages given during consolidation cannot be changed by the Assistant Collector while deciding the issue regarding partition. According to him, such an order would not be in consonance with the consolidation proceedings.

Counsel representing respondents, however, submit that matter has only been remitted to the Assistant Collector Grade-I for decision afresh. All the pleas of the petitioner can be considered by the said authority at the time of hearing.

I find substance in the arguments of counsel representing respondents. It is evident that Collector has merely remanded the matter to Assistant Collector Grade-I to decide the issue afresh. Needless to observe that said authority shall afford opportunity of hearing to the parties concerned before arriving at a decision. There is, thus, no ground to interfere in writ jurisdiction.

Dismissed.

However, endeavour shall be made to decide the issue expeditiously.

(Rajan Gupta)
Judge

February 5, 2015
“DK”