

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

CWP-13874-2015 (O&M)
Date of decision : 14.07.2015

Risalo

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vivek Lamba, Advocate for the petitioner.

JITENDRA CHAUHAN, J.

By way of the present writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has sought quashing of order dated 06.08.2014, (Annexure P-7), passed by the learned Financial Commissioner, and order dated 29.08.2005 (Annexure P-5), passed by the Collector, whereby, both the Courts have remanded the case to the Assistant Collector Grade-I, Jhajjar for preparation of Naksha Be.

The learned counsel for the petitioner contends that the partition proceedings had already been completed and the instrument of partition was issued vide order dated 20.11.2001. The impugned orders, if implemented, would tantamount to starting the partition proceedings *de novo*.

I have learned learned counsel for the parties and gone

through the case file.

In ***Ashok Kumar Vs. Sita Ram – 2001(1) Apex Court Journal 681***, it has been held as under:-

“The question that remains to be considered is whether the High Court in exercise of writ jurisdiction was justified in setting aside the order of the Appellate Authority. The order passed by the Appellate Authority did not suffer from any serious illegality, nor can it be said to have taken a view of the matter which no reasonable person was likely to take. In that view of the matter there was no justification for the High Court to interfere with the order in exercise of its writ jurisdiction. In a matter like the present case where orders passed by the Statutory Authority vested with power to act quasi-judicially is challenged before the High Court, the role of the Court is supervisory and corrective. In exercise of such jurisdiction the High Court is not expected to interfere with the final order passed by the Statutory Authority unless the order suffers from manifest error and if it is allowed to stand it would amount to perpetuation of grave injustice. The Court should bear in mind that it is not acting as yet another Appellate Court in the matter. We are

constrained to observe that in the present case the High Court has failed to keep the salutary principles in mind while deciding the case.”

The learned Financial Commissioner has held that merely because the respondent-petitioners did not agitate at the time of preparation of Naksha 'Be' or Naksha Jim cannot be deprived of their right of proper raasta to their land. There was a delay of 2 ½ years in filing the appeal by the petitioner herein before the Divisional Commissioner, Rohtak. Moreover, at this stage, no adverse order stands passed against the petitioner. The order of remand passed by the learned Financial Commissioner is not going to prejudice the rights of the petitioner in any manner, thus, does not suffer from any serious illegality or unreasonableness.

In view of the above discussion, this Court does not find any illegality or perversity in the impugned orders, Annexures P-5 and P-7, and the same are hereby upheld.

The present petition, being bereft of any merit, is hereby dismissed.

14.07.2015
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(JITENDRA CHAUHAN)
JUDGE