

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 3325 of 2011(O&M)

Date of Decision: 19.1.2015

Gurjinder Singh

... Petitioner(s)

Versus

Financial Commissioner, Revenue, Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Rajan Gupta.

Present: Mr. S.C.Arora, Advocate
for the petitioner(s).

Mr. V. Ram Swaroop, Additional Advocate
General, Punjab for respondents No.1 to 3.

Mr. Naresh Jain, Advocate
for respondents No. 4 & 5.

Mr. Kuldip Sanwal, Advocate.

Rajan Gupta, J.

Respondents No. 4 & 5 claimed that they were allotted 30 standard acres of land which was declared surplus in the year 1962. This area was ordered to be separated vide order dated 30.12.1977 and it formally vested in the State vide rapat No. 236 dated 4.2.1983. In the year 1989, surplus area was allotted to respondents No.4 & 5. Petitioner impugned this order before the Commissioner, Ferozepur Division. He, however, remained unsuccessful. Application dated 10.2.1997 was moved by the petitioner. Commissioner accepted the same and remanded the matter to Collector, Agrarian-respondent No.3 for reconsideration. Respondent No.3 passed order dated 2.11.2006. Aggrieved, respondents No.4 & 5 preferred appeal before the

Commissioner, Ferozepur Division. Vide his order dated 29.4.2010, he again remanded the matter to respondent No.3 for decision afresh.

Petitioner has impugned the order primarily on the ground that second review application was not maintainable before the Collector. According to him, Collector cannot review his order passed earlier. The issue should have been decided by the Commissioner in appellate jurisdiction. Aforesaid plea is not seriously contested by counsel for respondents No.4 & 5.

In view of above, I set aside the orders dated 29.4.2010 (Annexure P2) & 18.1.2011 (Annexure P1) passed by the Commissioner, Ferozepur Division and Financial Commissioner (Revenue), Punjab, respectively. It is directed that commissioner shall decide the appeal in accordance with law after affording opportunity of hearing to the parties. Parties to remain present before the Commissioner, Ferozepur Division on 2.2.2015 at 10.00 A.M. He shall endeavour to decide the appeal as expeditiously as possible.

Allowed in above terms.

(Rajan Gupta)
Judge

January 19, 2015

“DK”