

In the High Court of Punjab and Haryana at Chandigarh.

**CWP No.17539 of 2014
Decided on 21.9.2015**

Haryana Wakf Board, Ambala Cantt

--Petitioner

Vs.

Financial Commissioner, Revenue and another

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Sandeep Punchhi, Advocate, for the petitioner

Rakesh Kumar Jain,J: (Oral)

The present petition has been filed to challenge the order dated 07.5.2012, passed by the Financial Commissioner, Haryana, wherein he has remanded the case back to the Collector, Karnal, with a direction to decide it afresh keeping in view the evidence available on record and the relevant provisions of The Punjab Tenancy Act, 1887, The Punjab Security of Land Tenures Act, 1953 and provisions of The Wakf Act,1995.

In short, the petitioner filed a suit under Sections 40,41 and 77 of The Punjab Tenancy Act, 1887 against respondent No.2. for possession on the ground that the land measuring 209 Kanal 5 marlas situated in village Sadhir, District Karnal is owned by the petitioner which is in

unauthorised occupation of respondent No.2 since the year 1986-87. It is alleged that this land was given to Jarnail Singh on lease for one year only and thereafter lease was never extended and hence respondent No.2. has been in unauthorised occupation of the land since then .

The A.C.Ist Grade, Karnal, decided the suit filed by the petitioner on 16.3.2006, ordered ejectment of respondent No.2. and directed him to pay ₹24,000/- as arrears of land revenue. The said order was challenged by respondent No.2. in appeal before the Collector, Karnal, which was dismissed on 17.8.2006. The petitioner challenged both the orders before the Divisional Commissioner, Rohtak, who found that there is some ambiguity in the orders passed by the Courts below and remanded the case back to the Collector vide his order dated 17.11.2006.

Against the said order, the petitioner filed a revision before the Financial Commissioner, which was dismissed on 28.11.2011. Respondent No.2. then filed a review application which has now been allowed by the impugned order dated 07.5.2012 and the case has been remanded back to the Collector, Karnal.

Learned counsel for the petitioner has vehemently argued that instead of filing review application, the petitioner should have approached this Court by way of a petition as the scope of review is very narrow.

After hearing learned counsel for the petitioner and examining the record, I am of the considered opinion that there is no error in the order passed by the Financial Commissioner as he has only remanded the case back to the Collector, Karnal, to take a decision afresh on the basis of evidence available on record and keeping in view the relevant provisions of The Punjab Tenancy Act, 1887, The Punjab Security of Land Tenures Act,

1953 and provisions of The Wakf Act,1995.

In view of the above, I do not find any merit in this petition and the same is hereby dismissed.

21.9.2015
rr

(Rakesh Kumar Jain)
Judge