

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

**\*\*\*\*\***

**CWP No.18333 of 2015**  
**Date of Decision: 01.09.2015**

**\*\*\*\*\***

Rakesh

. . . .Petitioner

Versus

The Financial Commissioner Haryana and others

. . . . Respondents

**\*\*\*\*\***

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN**

**\*\*\*\*\***

Present: Mr.Ashish Aggarwal, Sr. Advocate, with  
Mr.Sanjeev Kodan, Advocate,  
for the petitioner.

**\*\*\*\*\***

**RAKESH KUMAR JAIN, J.**

The petitioner has challenged the order dated 28.4.2010 passed by Assistant Collector 2<sup>nd</sup> Grade, Jhajjar (respondent No.4), order dated 31.3.2011 passed by the Collector, Jhajjar (respondent No.3) and order dated 20.8.2014 passed by the Financial Commissioner (Revenue) (respondent No.1) and has prayed for restoration of order dated 28.3.2013 passed by the Commissioner, Rohtak Division, Rohtak (respondent No.2).

In brief, the petitioner filed an application on 9.11.1994 before respondent No.4 for correction of khasra girdawari of the suit land measuring 27 kanal 1 marla out of total 63 kanal 2 marla land situated in village Beed Dadri Toe with effect from kharif 1993, alleging that he is cultivating this land owned by Kedarnath and Shamsher Singh, who are the sons and Rameshwari daughter of

Muni Ram son of Laxmi Narain resident of village Molahera, Tehsil and District Gurgaon as tenant and the Halqa Patwari is not making the correct revenue entries in the khasra girdawari. The said application was allowed on 19.11.1994 and that order was challenged by way of a review application on 16.12.2002 by respondents No.5 & 6, which was dismissed on 6.1.2003 by respondent No.4, but the appeal filed against the said order before respondent No.3 was allowed on 10.10.2006 and the case was remanded back by respondent No.3 to respondent No.4 for fresh decision. The petitioner challenged the order passed by the Collector (respondent No.3) by way of an appeal which was allowed by respondent No.2 and the case was remanded back to respondent No.3 for fresh decision. Respondent No.3 vide his order dated 10.10.2006 further remanded the case back to respondent No.4 for fresh decision. Respondent No.4, vide his order dated 28.4.2010, dismissed the application filed by the petitioner. It is alleged that the order was passed by respondent No.4 on 7.5.2010 though he had retired on 30.4.2010, as there is no date on the said order.

Aggrieved against the order passed by respondent No.4, the petitioner preferred an appeal before respondent No.3 which was dismissed on 31.3.2011. However, the revision filed by the petitioner was allowed by respondent No.2 and the case was remanded back to respondent No.4 for deciding it afresh. Respondents No.5 and 6 filed a review petition before respondent No.1 which was allowed and hence, the present petition has been filed.

Insofar as the first point about the decision having been taken by respondent No.4 after the date of his retirement is

concerned, I have perused vernacular order (Annexure P-1) in which the date of decision is categorically mentioned as 28.4.2010 and admittedly, the said officer had retired on 30.4.2010. As regards, the question of correction of khasra girdawari is concerned, learned counsel for the petitioner has himself stated that he had filed suit for preemption on the ground that he is a tenant in the suit property and had a superior right to purchase the land. The said suit was dismissed because the petitioner miserably failed to prove his tenancy. Once, the petitioner could not establish his tenancy over the land in question in a suit for preemption before the Civil Court, how could he ask for correction for khasra girdawari on the ground that he is cultivating the land as a tenant. It is obvious that the petitioner has no legal status over the land in question and once he has failed to establish himself to be a tenant over the land in question in the civil suit filed for seeking preemption of the same, he can not claim correction of khasra girdawari on the ground that he is a tenant over the said land.

In view thereof, I do not find any merit in the present petition and the same is thus hereby dismissed.

**01.09.2015**

*Vivek*

**(RAKESH KUMAR JAIN)  
JUDGE**