

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.24889 of 2013 (O&M)
Date of decision: 27.2.2015

Amir Chand

...Petitioner

Versus

Financial Commissioner (Revenue)
Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.S. Mamli, Advocate for the petitioner.

Rajan Gupta, J. (oral)

Petitioner has preferred this writ petition seeking quashing of the orders dated 8.5.2007 and 27.2.2008, passed by Assistant Collector IInd Grade, Indri as well as order dated 25.3.2013, passed by Financial Commissioner, Haryana.

Learned counsel for the petitioner has vehemently assailed the orders. According to him, petitioner is a vendee of respondents No.2 and 3. No opportunity of hearing was granted to him. He is entitled to retain the possession of the land purchased by him from respondents No.2 and 3.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

An application for partition was moved before the Assistant Collector IInd Grade, Indri. Due to non-appearance of the petitioner or his counsel, he was proceeded ex-parte. Petitioner filed appeal before the

Collector challenging the ex-parte order and subsequent proceedings. Collector accepted the appeal and remanded the case to the Assistant Collector for decision afresh. Order was unsuccessfully challenged by the respondent before Commissioner, Rohtak Division, Rohtak. A revision petition was, thus, preferred by the respondents before the Financial Commissioner. The Financial Commissioner came to the conclusion that Collector had no jurisdiction to entertain appeal against the ex-parte order passed by the Assistant Collector. He also found that partition had been done according to mode of partition. He observed that as per sanctioned mode of partition, similar type of land was to be allotted to the purchaser and not the same land, as mentioned in the sale deed.

I find no infirmity with the order passed by the Financial Commissioner. The partition proceedings having culminated, there is no scope for interference in writ jurisdiction. The petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

27.2.2015
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