

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 26123 of 2015

Date of Decision: December 15, 2015

Zora Singh

... Petitioner

Versus

Financial Commissioner, Revenue, Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. I.S. Brar, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing order dated 19.05.2015 (Annexure P/7) passed by respondent no.1 – Financial Commissioner, Revenue, Punjab, order dated 11.09.2013 (Annexure P/5) passed by respondent no.2 -Commissioner, Faridkot Division, Faridkot and order dated 22.12.2011 (Annexure P/3) passed by respondent No.3 – District Collector, Faridkot.

Brief facts of the case are that petitioner filed an application for partition of land which was decided allegedly at the back of the parties vide order dated 31.05.2010. Against the order of partition,

respondent no.5 – Jasmail Singh preferred a review application before

the District Collector. Vide order dated 22.12.2011 (Annexure P/3), review application filed by respondent no.5 has been partly allowed by the District Collector. Against that order, petitioner filed an appeal which has been dismissed by the Commissioner vide order dated 11.09.2013 (Annexure P/5). Thereafter, the petitioner preferred a R.O.R., which has also been dismissed by the Financial Commissioner vide order dated 10.05.2015 (Annexure P/7). Hence, this writ petition.

I have heard learned counsel for the petitioner and perused the record.

After hearing the parties, the District Collector has observed as under:-

“After hearing the parties and perusing the record, I came to the conclusion that Jasmail Singh respondent no.1 present applicant have a motor connection in pucca room khasra No. 842/302/2 but there is no passage provided to respondent no.1 for reaching the motor connection room. Although warrant of possession has been issued and possession has been given to the parties but for the correct decision it is necessary for the passage has been provided to respondent no.1 Jasmail Singh. So this application has been allowed partly and direction has been issued to provide for

two karam for passage to respondent no.1 Jasmail Singh and this cut be made from the land of Jasmail Singh respondent no.1 (present applicant) and the learned Advocate give the consent and direction has been given to the AC Ist Class (Tehsildar) for correction of this order.....”

There are concurrent findings recorded by the revenue authorities that no passage has been provided to the land of respondent no.5 – Jasmail Singh, without passage respondent no.5 cannot reach to his land. The revenue authorities have only directed to provide two karam passage to the land to which no passage have been provided.

Learned counsel for the petitioner has not been able to point out any perversity or illegality in the order passed by the District Collector. The findings of the Collector have been affirmed by the Commissioner as well as Financial Commissioner.

In view of above discussion, the present writ petition fails.

Dismissed in limine.

December 15, 2015
vkd

[Paramjeet Singh]
Judge .