

CWP-6503-2014

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

CWP-6503-2014

Date of Decision: 24.09.2015

Binder Singh alias Balwinder Singh

... Petitioner(s)

Versus

Financial Commissioner (Revenue), Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Ashok Kumar Khunger, Advocate,
for the petitioner.

Mr. S.S.Chandumajra, Addl. A. G. Punjab.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for quashing the order dated 23.04.2013 (Annexure P-3) passed by respondent No.1-Financial Commissioner, Punjab, order dated 22.05.2012 (Annexure P-2) passed by respondent No.2-Commissioner, Ferozepur Division, Ferozepur and the order dated 31.08.2010 (Annexure P-1) passed by respondent No.3-District Collector.

Brief facts of the case are to the effect that the petitioner, who is an illiterate person, is a shareholder in agricultural land situated

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in village Thandewala, Tehsil and District Sri Muktsar Sahib. The private respondents allegedly illegal and wrongly by playing a fraud upon the petitioner got prepared forged and fabricated agreement on 08.06.2009 regarding partition of land and by misrepresentation got the thumb impressions of the petitioner on the said agreement. Thereafter, on the basis of said agreement, the private respondents got the mutation sanctioned from the Assistant Collector 2nd Grade, Sri Muktsar Sahib, on 11.06.2009. When the petitioner came to know about the mutation sanctioned from the Assistant Collector 2nd Grade, Sri Muktsar Sahib, the petitioner preferred appeal before respondent No.3-Collector, Sri Muktsar Sahib with the averments that land in question was never partitioned between the parties and alleged agreement regarding private partition was not executed. The said appeal was dismissed vide impugned order dated 31.08.2010 (Annexure P-1). Thereafter, the petitioner filed revision before respondent No.2-Commissioner, Ferozepur Division, Ferozepur which has been dismissed vide impugned order dated 22.05.2012 (Annexure P-2). The petitioner also filed revision before respondent No.1-Financial Commissioner (Revenue), Punjab which has been dismissed for lack of jurisdiction, vide impugned order dated 23.04.2013. Hence, this writ petition.

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

The Financial Commissioner has dismissed the revision

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petition vide impugned order dated 23.04.2013 (Annexure P-3) with the observation that any decision to hear a revision petition against an order dated 22.05.2012 by condoning the delay, would amount to assuming jurisdiction where none existed. Admittedly, earlier there was no remedy of revision petition before the Financial Commissioner, Punjab against the order of the Divisional Commissioner. Now, State of Punjab issued notification dated 28.01.2013 restoring powers of the Financial Commissioner to entertain revision petition against the order passed by the Divisional Commissioner. Since during the pendency of the proceedings before the Financial Commissioner, powers have been restored, he should have examined the issue on merits without going into the technicalities of limitation.

In view of above, impugned order dated 23.04.2013 (Annexure P-3) passed by the Financial Commissioner (Revenue), Punjab is set aside and Financial Commissioner is directed to decide the matter afresh on merit in accordance with law without examining the issue of limitation. Parties through their counsel are directed to appear before the Financial Commissioner on 19.10.2015.

Disposed of.

24.09.2015
parveen kumar

(Paramjeet Singh)
Judge