

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

CWP No.18526 of 2014

Date of Decision: 04.11.2016

Raj Singh and others

. . . Petitioners

Versus

Financial Commissioner Revenue Department Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. Shaveta Sanghi, Advocate
for the petitioners.

Mr. Pawan Jhanda, AAG, Haryana.

Mr. Naveen S. Bhardwaj, Advocate
for respondent No.5 to 8.

Rameshwar Singh Malik, J. (Oral)

Present writ petition is directed against the order dated 19.03.2014 (Annexure P-14) passed by the Financial Commissioner, Haryana, whereby although in the operative part of the order observations were made not against any of the parties as such, but finally the revision petition of the petitioners was dismissed.

Notice of motion was issued and status quo was directed to be maintained. Contesting respondent Nos.5 to 8 appeared and filed their written statement.

Heard learned counsel for the parties.

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Learned counsel for the petitioners, at the very outset, fairly states that general observations made in the operative part of the impugned order passed by Financial Commissioner are not against any of the parties and the same had been rightly made. However, she seeks further clarification only about the last observation made by the Financial Commissioner in the impugned order thereby dismissing the revision petition of the petitioners. Learned counsel for the petitioners submits that the bonafide apprehension of the petitioners is that lower revenue authorities may not take it against the petitioners.

Faced with the above, learned counsel for the contesting respondents also fairly states that he has got no objection in case appropriate clarification is ordered.

In view of the above-said respective statements made and fair stand taken by the learned counsel for the parties, present writ petition is disposed of, with a direction to the Assistant Collector Ist Grade that he shall keep in mind the basic principle of partition, including the mode of partition already arrived at between the parties vide order dated 25.06.2003 (Annexure P-4). It is also clarified that Assistant Collector Ist Grade, Rewari shall proceed further finalizing the partition proceedings on the basis of mode of partition (Annexure P-4), without having been influenced with the last line of the order dated 19.03.2014 (Annexure P-14), passed by the Financial Commissioner. Should there be any confusion in this regard, clause 3 of mode of partition shall remain intact and Assistant Collector Ist Grade shall proceed further, in accordance with law.

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With the above-said observations made and directions issued,
the instant writ petition stands disposed of.

[RAMESHWAR SINGH MALIK]
JUDGE

04.11.2016
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Whether Speaking/reasoned : Yes
Whether Reportable : No