

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

CWP No.2315 of 2016

Date of Decision : 5.2.2016

Swaran Kaur

....Petitioner

Versus

Financial Commissioner, Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present: Mr.Ashok Giri, Advocate
for the petitioner.

MAHESH GROVER.J.

The petitioner impugns the order dated 30.11.2015 passed by the Financial Commissioner, Punjab remanding the matter back to the Assistant Collector for decision afresh regarding sanctioning of mutation of two sale deeds – one, which is prior in time and in favour of the petitioner and the other a day subsequent thereto in favour of private respondents. The reasoning adopted by the Financial Commissioner is that evidence has to be appraised before sanctioning of mutation regarding a dispute of the same property which has been sold twice over.

Learned counsel for the petitioner contends that the proceedings in such like cases are summary in nature and no evidence is required.

I would agree with the contention of the learned

counsel for the petitioner but would still not accept his petition for the simple reason that in the impugned order the Financial Commissioner has merely used a wrong word of 'appraisal of evidence' while the substantial reasoning is in order. In fact it is material which is to be brought before the revenue authorities that is to be appraised in view of the serious dispute between the parties pertaining to the very same property. It would be open for the parties to bring on record appropriate material in support of their claim so that the Assistant Collector can arrive at a reasonable conclusion. Since the matter has been remanded on a contentious issue between the parties, the impugned order would not smack of any perversity so as to call for any interference.

The petition is disposed of leaving the petitioner to her remedies in law.

At this stage, learned counsel for the petitioner contends that since the dispute has been lingering on for the last 10 years, the Asstt. Collector be directed to dispose of the issue as expeditiously as possible.

I find this prayer to be reasonable and fair. Consequently, a direction is issued to the Asstt. Collector Ist Grade to dispose of the matter within a period of three months from the date of receipt of certified copy of this order.

5.2.2016
dss

(MAHESH GROVER)
JUDGE