

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

CWP No. 7344 of 2016
Date of decision: 23.04.2016

Om Parkash and others

....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. J.P. Sharma, Advocate,
for the petitioner.

Paramjeet Singh Dhaliwal, 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 for quashing the impugned order dated 29.07.2015 (Annexure P-3) passed by respondent No. 1 and for upholding the order dated 13.5.2011 (Annexure P-2) passed by respondent No.2.

Admitted facts of the case are to the effect that application for partition was dismissed on 24.11.2003, which was subsequently restored. No notice was given to the private respondents in the application after the restoration as such private respondents have been condemned unheard.

I have heard learned counsel for the petitioner and perused the paper book.

Admittedly, case was dismissed in default and thereafter restored. After restoration respondents were not given notice. It is settled law that no one could be condemned unheard. I do not find

any illegality or perversity in the impugned order passed by the Financial Commissioner, whereby after coming to the conclusion that the order of the AC 1st Grade suffers from infirmity and orders of Collector and Commissioner are without any jurisdiction, the Financial Commissioner has remanded the case to the AC 1st Grade to decide afresh.

Dismissed.

23.04.2016

PA

(Paramjeet Singh Dhaliwal)
Judge