

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

CWP No.4219 of 1999  
Date of Decision.10.03.2017

Devinder Kumar

.....Petitioner

Vs

The Financial Commissioner, Haryana and others

.....Respondents

Present: None for the petitioner.

Mr. Ashok Verma, Advocate  
for respondent Nos.6 and 7.

Mr. Sandeep Singh Mann, Sr. DAG, Haryana.

Mr. Radhe Shyam Sharma, Advocate  
for respondent Nos.8 to 18.

**CORAM:HON'BLE MR. JUSTICE AMIT RAWAL**

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**AMIT RAWAL J. (ORAL)**

As per the office report, notice issued to the petitioner has not been received back served or otherwise.

Mr. Verma, learned counsel appearing for respondent Nos.6 and 7 submits that the petitioner is deliberately avoiding the service, as the dispute is essentially between the brothers and the controversy involved in the present writ petition is for seeking quashing of the impugned orders dated 10.12.1991, 30.06.1993 and 14.12.1998 passed by the Collector Sirsa, Commissioner and Financial Commissioner as Annexures P-3 to P-5 respectively.

Against the order of eviction dated 8.8.1989 passed by the Assistant Collector 2<sup>nd</sup> Grade in petition filed under Section 14 of Punjab Security of Land Tenures Act, the respondent preferred an appeal before the Collector on the premise that the counsel engaged by them did not appear and they were erroneously proceeded ex parte. The Collector after hearing the matter, remanded the matter back to the Assistant Collector 1<sup>st</sup> Grade to decide

preferred the appeal before the Collector, Sirsa. It is against the aforementioned order one of the petitioners along with other persons, who were petitioners before the Assistant Collector, preferred appeal before the Commissioner, which has been dismissed and the revision petition filed against the same has also met with the same fate. It in this backdrop of the matter, present writ petition has been filed.

This Court had already admitted the writ petition and there is interim order. I am of the view that once the private respondents namely Mani Ram and Devsi Ram were not given an effective opportunity, the orders of the Collector and Commissioner were innocuous, as the order of the Assistant Collector and Sub Divisional Officer (C), Ellanabad took away their valuable right, for, they have not given an opportunity to prove whether rent had been paid or otherwise. The aforementioned impugned orders could not have affected the petitioners.

The writ petition is pending since 1999 for such a trivial issue. The orders under challenge are upheld and the matter is remitted back to the Assistant Collector for fresh consideration.

Mr. Sharma submits that there is a compromise between respondent No.6 and the petitioner. Liberty is granted to raise all pleas before the Assistant Collector, who will ponder upon the same after affording effective opportunity of hearing to the parties.

The writ petition stands disposed of in the above terms.

The parties are directed to appear before the Assistant Collector through their counsel on 06.04.2017.

**(AMIT RAWAL)**  
**JUDGE**

**March 10, 2017**  
**Pankaj\***