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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 02.03.2017

1. CWP-17056-2012 (O&M)

Lakhbir Singh and another

... Petitioners

Versus

Financial Commissioner (Social Security), Punjab

... Respondents

2. CWP-17057-2012

Lakhbir Singh and another

... Petitioners

Versus

Financial Commissioner (Social Security), Punjab

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. K.S. Sidhu, Senior Advocate with
Mr. G.S. Benipal, Advocate
for the petitioner(s).

Mr. Yatinder Sharma, Addl. A.G., Punjab.

Mr. R.S. Chauhan, Advocate
for respondent No.4.

AMIT RAWAL, J. (ORAL)

This order of mine shall dispose of two writ petitions bearing
CWP No.17056 of 2012 titled as **“Lakhbir Singh and another V/s
Financial Commissioner (Social Security), Punjab”** and **CWP No.17057
of 2012** titled as **“Lakhbir Singh and another V/s Financial
Commissioner (Social Security), Punjab”**, filed by the petitioner(s) against

the order dated 08.05.2012 (Annexure P-1).

With the consent of the parties, particularly, Mr. R.S. Chauhan, learned counsel appearing on behalf of respondent No.4, the impugned order dated 08.05.2012 (Annexure P-1), is hereby set aside, for, this Court vide order dated 09.01.2012 (Annexure P-10), in CWP Nos.3595 & 3609 of 2009, directed the Financial Commissioner to decide the review petition afresh as the previous order dated 24.03.2005 passed by the Financial Commissioner, according to the petitioner(s) herein, was passed at their back, in essence, the ROR was also allowed *in limine*.

However, the impugned order, reflects that an application for re-determination has been barred by law of limitation, but the fact remains that the reason assigned, which reads as under:-

"I have heard the counsels for both the parties and also examined the record available on file. While going through the order dated 24.1.2002 of Collector Agrarian, it transpires that he has failed to discuss the statement and arguments given by both the parties. The order passed by him is not well reasoned. He has concluded that the allottees are not in possession of disputed land and further, he mention that he has concluded this by inquiring the matter from Gurtej Singh. However, this contention of Gurtej Singh was not supported by any document against him on file. To my mind the order passed by Collector is sketchy and does not meet the end of justice. It is settled law that in time barred cases, each and every day has to be explained. The ld. counsel for the review applicant has simply relies upon the contention of Collector Agrarian, Ferozepur that itself not sustainable. The order passed by Financial Commissioner dated 24.03.2005 is well reasoned as well as the deserves to be upheld. It does not need any intervention at this

stage. Hence the same is maintained. The review petition is accordingly dismissed."

is not in the letter and spirit of the order *ibid* of this Court.

The parties are relegated to the Financial Commissioner, who is directed to decide the controversy afresh, in accordance with law and by examining the entire record and rival contentions of the parties, after affording the opportunity preferably within a period of four months from the date of the receipt of the certified copy of this order.

Learned counsel for the parties and as well as the parties are directed to appear before the Financial Commissioner on 24.3.17.

The writ petitions stand disposed of.

02.03.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No