

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

**CWP No.10467 of 2017
Date of decision:16.05.2017**

Samay Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Amit Jain, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Notice of motion.

Mr. Rajbir Singh, AAG, Haryana accepts notice on behalf of the respondents-State.

Learned counsel for the petitioner submits that against the order of the Commissioner deciding the statutory appeal with regard to the decision rendered by the Collector for appointment of the petitioner as Lambardar has been set aside. As per the averments made in paragraph 9 of the writ petition at page 17, the petitioner has approached the Financial Commissioner by filing a revision petition bearing ROR No.363 of 2016-2017 but the same has been rejected owing to the notification dated 10.04.2017 promulgated by the State of Haryana giving the powers to the Commissioner to deal with the matters with regard to sanad takseem and therefore, the petitioner is rendered remediless. He further submits that proceedings have been initiated prior to the notification, therefore, the

petitioner cannot be remained remediless as per the provisions of Section 16(1) of the Punjab Land Revenue Act.

This Court in CWP No.10182 of 2017 had already called upon Mr. B.R.Mahajan, Advocate General Haryana to apprise the Court about the predicament of litigation and on instructions from his office, submitted that in case, ROR is filed in respect of the matters initiated prior to notification dated 10.04.2017, in the absence of the applicability of notification, the same shall be applied prospectively to the new cases instituted seeking partition of the land, i.e., not in the matters which are pending adjudication.

Resultantly, the writ petition is disposed of with a liberty to the petitioner to file the ROR in view of the aforementioned observations and in case, such revision along with interim application is filed, the Financial Commissioner shall decide the same in accordance with law, much less the application for interim relief shall be decided within a period of three days from the date of filing the revision petition along with interim application.

(AMIT RAWAL)
JUDGE

May 16, 2017
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Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No