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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10722-2017

Date of decision : 18.05.2017

Balwan Singh and others

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Surinder Singh Duhan, Advocate
for the petitioners.

AMIT RAWAL, J. (ORAL)

The grievance of the petitioners is that 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*, ROR is not being entertained.

Learned counsel for the petitioner submits that the petitioners have challenged the order of the Commissioner and the Collector by filing the ROR before the Financial Commissioner under the provisions of Section 16(1) of the Punjab Land Revenue Act, 1887 and as well as the in view of the *ratio decidendi* culled out by the Division Bench of this Court in "**Amar Khan and others Vs. State of Punjab and others**" 2009 (1) RCR (Civil) **741**, but the same was not entertained owing to the aforementioned notification, thus, urges this Court setting aside the order, under challenge.

Notice of motion.

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

I have heard the learned counsel for the parties and appraised the paper book.

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 i.e. to the new cases instituted seeking partition of the land, i.e. not in the matters which are pending adjudication.

Keeping in view of the aforementioned facts, I deem it appropriate to dispose of the present writ petition by relegating the petitioners to file the revision petition before the Financial Commissioner. In case such revision petition is filed, the Financial Commissioner shall decide the same in accordance with law.

Disposed of, accordingly.

18.05.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

✓

Whether speaking/reasoned Yes/ No

✓

Whether Reportable Yes/ No