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

CWP-10730-2017

Date of decision : 18.05.2017

Manoj Kumar and another

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. M. K. Mittal, Advocate
for the petitioner.

Mr. Rajbir Singh, AAG, Haryana.

AMIT RAWAL, J. (ORAL)

Learned counsel appearing on behalf of the petitioners submits that earlier the petitioners had approached against the order dated 30.09.2015 vide CWP No.22834 of 2015 before this Court, but withdrawn it on 08.11.2016 as the petitioners were not equipped with the zimini orders to reflect that they were not served in the partition application. Now the present writ petition has been filed with the zimini orders.

He submits that the revision petition has been dismissed in a most sketchy and mechanical manner and the alleged finding is bereft of the reasoning and therefore, does not confirm the test of reasonability.

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.

It would be apt to reproduce the order passed by the Financial Commissioner, which reads as under:-

"The Counsel for petitioner raised the sole point that the registered letter sent to Sh. Manoj Kumar and Sh. Vinod mentioned S/o Smt. Chanderpati, whereas the letter should have mentioned the father's name in place of mother's name. On perusal of the Revenue Record, I find that there also the names mentioned are Manoj and Vinod S/o Smt. Chanderpati. I find no reason to interfere with the proceedings of the lower court based on the above argument since they seems to be delaying tactics. Case dismissed."

The aforementioned order, in my view, is *prima facie* not sustainable in the eyes of law being wanting reasoning. The Officers entertaining the RORs, are required to deal with the matter objectively and pragmatically manner by issuing notice and calling upon the record, but not in such summary manner.

I do not intend to issue the notice to the private respondent(s) to defray the cost of litigation, much less, wastage of time.

Keeping in view the aforementioned facts, the impugned order 30.09.2015 (Annexure P-8) passed by the Financial Commissioner is hereby set aside and the matter is remitted back to the Financial Commissioner to decide the controversy afresh in a most objective and pragmatic manner, after summoning the record, much less, by taking into consideration the rival contentions of the parties.

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

25.05.2017.

The petitioners shall be at liberty to seek the interim relief before the Financial Commissioner and in case, the *ex parte interim* application is filed within a period of one week from today, the same shall be decided within a period of three days thereafter.

The present writ petition stands disposed of in the aforementioned observations.

18.05.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

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