

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.16087 of 2016
Date of Decision: May 17, 2017

Jitender Singh

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.R.S.Dhanda, Advocate,
for the petitioner.

Mr.Rajbir Singh, AAG, Haryana,
for the State.

Mr.Sudhir Rana, Advocate,
for respondent No.2.

Mr.Chetan Bansal, Advocate,
for respondent Nos.3 & 4.

AMIT RAWAL, J. (Oral)

The petitioner is aggrieved of the impugned order dated
20.5.2016 (Annexure P-7), which reads as under:-

“Present: Sh.Shiv Kumar, counsel for the petitioners.

*The case was fixed for kacha hearing today. The
counsel for the appellant present. Heard. Order of the
Commission will re-start a long drawn proceedings without
substantive ground. Hence, the order of Commissioner is set
aside with the direction to the Collector, Palwal to proceed
with the adjudication of the present Nambardari on merits.”*

Mr.R.S.Dhanda, learned counsel appearing on behalf of the
petitioner submits that the manner in which the ROR has been disposed of

is not only preposterous, but erroneous. The Financial Commissioner was required to decide the matter after going through the record and hearing the parties and not in the manner and mode as indicated above.

Learned counsel for respondent No.2 submits that he needs time to address arguments.

In my view, the order aforementioned cannot be sustained in the eyes of law as it is a most cryptic and fallacious. Whenever a ROR is filed before the Financial Commissioner, he is required to follow the procedure in dealing with the matter and do not follow the cut short to decide the ROR. The right of the petitioner is at stake and cannot be taken away

Resultantly, the impugned order Annexure P-7 is set-aside and the matter is remitted back to the Financial Commissioner to decide the ROR No.157/2015-16 (Dhan Singh Versus Jitender Singh & others) afresh in accordance with law after affording opportunity of hearing to the parties.

The parties through their counsel are directed to appear before the Financial Commissioner concerned on 31.5.2017.

Writ petition stands disposed of.

May 17, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No