

CWP No.13157 of 2017

[1]

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

**CWP No.13157 of 2017
Date of decision:02.08.2017**

Gurmeet Singh ...Petitioner
Versus
Financial Commissioner, Revenue, Punjab and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Pawan Kumar, Senior Advocate, with
Mr. Vipin Kumar, Advocate, for the applicant-petitioner.

Rakesh Kumar Jain, J.

This is one of the most casually drafted writ petition I have come across, in which the petitioner has prayed for quashing of the order dated 24.08.2016 (Annexure P-13) and the order dated 23.12.2016 (Annexure P-16 Colly). In the index, the impugned order (Annexure P-13) dated 24.08.2016 is mentioned from pages 117 to 122, whereas the running pages from 117 to 122 (Annexure P-13) are the order passed by this Court in CWP No.13850 of 2016 titled as "Gurmeet Singh vs. Financial Commissioner (Revenue) and others", decided 24.08.2016, by which this Court had directed the Deputy Commissioner, Fatehgarh Sahib to look into the representation of the petitioner dated 24.12.2014 and decide the same.

It is really strange that the petitioner is asking to quash the order dated 24.08.2016 (Annexure P-13) passed by a Single Bench of this Court.

The other order which is sought to be quashed is dated 23.12.2016 (Annexure P-16), which is mentioned in the index from pages 142

to 150, whereas running pages from 142 to 144 of the petition is an application filed by the petitioner before the Assistant Collector Grade-II, Amloh for seeking demarcation of the land measuring 26 Kanal 17 Marlas to the extent of half share, i.e. 13 Kanal 8-½ Marlas, situated in village Kapurgarh, Tehsil Amloh, District Fatehgarh Sahib. It is alleged in the application that the petitioner owned and possess the said land, which has been included in the land of respondent-Hawa Singh. The same application is from pages 146 to 148 of the petition. The first order was passed by the Assistant Collector 1st Grade, Amloh on 02.12.2016. Then there is other orders, allegedly passed on 02.11.2016 and on 06.12.2016. All the orders, which are part of the record from pages 149 to 150, are reproduced as under:-

“No.231/N

Dated:23/11/16

While sending the same in original to the Area Kanungo, Samaspur, it is being written that after conducting the demarcation as per Rules, the report be sent to this office.

Sd/- A.C.I
Amloh

No.183 Dated:2/12/16

While the same in original to the Tehsildar, Amloh, it is prayed that the ownership of land of village Kapurgarh is of Provisional Government, as per application, the applicant has sought to get conducted the demarcation of his land, due to being the land of Provisional Government, it may be informed that the demarcation of sought land be conducted or not. A clear guidance be given. Therefore, the report is submitted for appropriate action.

Sd/- 2/11/16

Field Kanungo Samaspur.

Regarding the above said report, action as per the Rules of revenue department be taken.

No.842/R-1

Sd/-

Dated:6-12-2016

Assistant Collector 1st Grade,
Amloha (Fatehgarh Sahib)”

This Court has failed to understand as to how there could be an order of the Assistant Collector 1st Grade dated 02.12.2016 after the order dated 02.11.2016. Thereafter, perhaps in terms of the order dated 06.12.2016 of the Assistant Collector 1st Grade, referred to above, again report was submitted on 23.12.2016 and, ultimately, the order was passed by the Assistant Collector 1st Grade on 29.12.2016. The said proceedings mentioned at page 145 of the petition are also reproduced as under:-

“No.204

Dated:23/12/16

Sir,

It is submitted that the ownership of the land of village Kapurgarh is of the Provisional Government. The applicant is only a Gair Marusi Share Holder in the column of Cultivation. Because the ownership of this area is of the Provisional Government, it is not of the cultivator, therefore, the demarcation of this area cannot be conducted. Report is submitted.

Sd/- 23/12/16

While keeping in view the report of above said field Kanungo, the demarcation application is consigned to the office. File be consigned to the record room after due compliance.”

Sd/-

Assistant Collector (1st Grade)
Amloh 29/12/2016”

It is again really strange that the petitioner has challenged the impugned order dated 23.12.2016 attached as Annexure P-16, whereas the document dated 23.12.2016 is the report of the Kanungo and not the order passed by the Assistant Collector 1st Grade, Amloh.

Even otherwise, if the impugned order having been passed by the Assistant Collector 1st Grade is considered to be of 29.12.2016, the said order

is open to challenge by way of an appeal under Section 13(a) of the Punjab Land Revenue Act, 1887.

Thus, in view of the above, the present writ petition is hereby dismissed.

August 02, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No