

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

CWP No.16871 of 2016

Date of Decision: 4th October, 2017

Avtar Singh and others

. . . . Petitioners

Vs.

State of Punjab and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.H.S. Grewal, Advocate,
for the petitioners.

Ms.Sunint Kaur, AAG, Punjab.

Mr.G.S. Nagra, Advocate,
for respondents No.5 to 9, 13 to 17.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed to challenge the order passed by the Assistant 1st Grade, Amritsar-I dated 31.7.2006 and Commissioner, Jalandhar Division dated 20.7.2016 vide which mutation number 2637 based on the sale deed dated 29.9.2004 has been cancelled.

At the outset, learned counsel for the respondents has raised an objection that the petitioners have an alternate remedy of revision in terms of Section 16(1) of the Punjab Land Revenue Act, 1887 [for short 'the Act'] before the Financial Commissioner.

Learned counsel for the petitioners has submitted that by virtue of an amendment in Section 16(1) of the Act by Punjab Act No.15 of 2011 powers of revision was conferred only upon the Commissioner, therefore, the revision petition before the Financial Commissioner is not maintainable.

On the other hand learned counsel for the respondents has submitted that the Punjab Act No.15 of 2011 has been further amended by

Punjab Act No.5 of 2013 (w.e.f. 28.11.2013) and the powers were again restored to the Financial Commissioner for hearing the revision petitions.

I have heard learned counsel for the parties and after examining the record, am of the considered opinion that after the amendment in Section 16(1) of the Act by Punjab Act No.15 of 2011 there was a further amended by Punjab Act No.5 of 2013 (w.e.f. 28.11.2013) and power of revision was restored to the Financial Commissioner. Therefore, the petitioners have an alternate remedy which they have to first exhaust before approaching this Court. Therefore, the present petition is not maintainable as the remedy is available with the petitioners before the Financial Commissioner.

Faced with this observation, learned counsel for the petitioners prays for withdrawal of the petition in order to file revision before the Financial Commissioner at the first instance against the order of the Divisional Commissioner. In case any such revision is filed within a period of 15 days from the date of receipt of certified copy of this order, the same shall be entertained by the Financial Commissioner without raising any objection regarding the delay and decide the same in accordance with law.

Dismissed as withdrawn.

Liberty granted.

4th OCTOBER, 2017

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No