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

CWP-2157-2015

Date of decision : 01.05.2017

Harbhajan Singh

... Petitioner(s)

Versus

Financial Commissioner (Revenue), Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. G.S. Nagar, Advocate
for the petitioner.

Mr. Yatinder Sharma, Addl. A.G., Punjab.

Mr. Tribhuwan Singla, Advocate
for respondent No.4.

Mr. Ramesh Sharma, Advocate
for respondent No.5.

AMIT RAWAL, J. (ORAL)

The prayer of the petitioner in the present writ petition is for issuance of a writ in the nature of *certiorari* quashing the impugned order dated 06.01.2015 (Annexure P-8) and order dated 18.07.2014 (Annexure P-5), passed by respondent Nos.1 and 2.

The contention of the petitioner is that the Collector has appointed the petitioner as Lambardar of Village Nakodar, District Jalandhar vide order dated 27.05.2010. However, in appeal, the aforementioned order was set aside by the Commissioner vide order dated 18.07.2014. The petitioner being aggrieved of the order dated 18.07.2014

preferred an appeal before the Financial Commissioner and the same has been dismissed *in limine*. Such approach of the Financial Commissioner in respect of the matter, according to the learned counsel for the petitioner, is wholly vitiated in law.

The aforementioned fact regarding passing of the order is not denied by Mr. Tribhuwan Singla, learned counsel appearing on behalf of respondent No.4.

Keeping in view the aforementioned facts, I am of the view that the petitioner had availed the remedy of appeal and the matter should not have been dismissed *in limine*, but ought to have decided by summoning the record, much less, hearing the parties at length.

Resultantly, the impugned order dated 06.01.2015 (Annexure P-8) passed by the Financial Commissioner is hereby set aside and the matter is remitted back to the Financial Commissioner (Revenue), Punjab to decide the controversy afresh within a period of five months from the date of the receipt of the certified copy of this order.

The parties as well as through their counsels are directed to appear before the Financial Commissioner on 29.05.2017.

Disposed of, accordingly.

01.05.2017

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**