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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18814 of 2017
Date of decision:23.08.2017

Gurbachan Kaur and others …Petitioners

Versus

State of Punjab and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Jai Bhagwan, Advocate,
for the petitioners.

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Rakesh Kumar Jain, J. (Oral)

Counsel for the petitioners submits that in the partition proceedings initiated by the petitioners, not only the *Sanad Taqsim* has been issued but possession (*Dakhal*) has also been delivered. However, respondents no.4 and 5 filed an appeal against the order of the Assistant Collector 1st Grade before the Collector, without challenging the *Sanad Taqsim*, and alleged that they have been proceeded against *ex-parte*. The said appeal was dismissed by the Collector. After expiry of about 1 year and 7 months, respondents no.4 and 5 again filed an appeal, which was also dismissed by the Collector but the appeal filed by them before the Divisional Commissioner was allowed and the revision filed by the petitioners, against the order of the Divisional Commissioner, before the Financial Commissioner has been dismissed.

Counsel for the petitioners submits that the Financial Commissioner has not opined on the issues raised by the petitioners during the course of arguments.

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Shri Jai Bhagwan, who has filed the present petition, was the counsel before the Financial Commissioner as well. If that being so, the remedy does not lie before this Court to challenge the order of the Financial Commissioner rather the remedy would lie in filing of an application under Section 15 of the Punjab Land Revenue Act, 1887 (hereinafter referred to as the "Act") before the same Court (Financial Commissioner) for the purpose of seeking review of his order on the ground that the issue raised by the petitioners were not dealt with.

With these observations, the present petition is hereby disposed of, relegating the petitioners to avail their remedy of review application under Section 15 of the Act. In case the review application 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 objection regarding limitation.

August 23, 2017 **(Rakesh Kumar Jain)**
vinod* **Judge**

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No