

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

CWP No.22717 of 2016
Date of Decision.12.01.2017

Ram Singh

.....Petitioner

Vs

The Financial Commissioner, Revenue and others

.....Respondents

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

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The grouse of the petitioner is qua dismissal of the appeal filed under Section 4-E of the Punjab Package Deal Properties (Disposal) Amendment Act, 2009 (Annexure P-17) whereby the claim of cancellation of the allotment has been rejected.

Mr. Nagra, learned counsel appearing for the petitioner submits that the quasi-judicial authority that is the officer of rank of Financial Commissioner is expected to pass the order in a most reasonable and pragmatic manner, much less, in accordance with law. Though there is discussion to the rival contentions of the parties but while giving so-called finding, it lacks reasons, much less, cogent reasons. He has drawn attention of this Court to the operative part of the order at page 56 whereby the appeal, aforementioned, has been dismissed in the following manner:-

“I have perused the record. Appellant has failed to show any defect in the findings of Claims Commissioner or in the inquiry report of Additional Deputy Commissioner, Patiala relied upon therein. Since there is no record to support appellants statement that his father an uncle had a claim to permanent allotment based on land owned in Pakistan, he has failed to

prove his case. Appeal is dismissed.

Notice of motion.

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

From the perusal of the order, I am of the view that the authorities manning the revenue records are expected to pass the order in a most reasonable and pragmatic manner and not in a sketchy and mechanical manner. It is a fit case where the order under challenge is liable to be remitted back by setting aside the impugned order as no reasoning is forthcoming. The application of mind is conspicuously absent. Accordingly, the impugned order is set aside and the matter is remitted back to the authority i.e. the Financial Commissioner (Revenue) who shall decide the appeal bearing MR No.9 of 2013 afresh after affording opportunities to the parties. The parties through their counsel are directed to appear before the aforementioned authority on 07.02.2017. This Court is sanguine of the fact that the competent authority shall decide the appeal in a most pragmatic and reasonable manner, much less, in accordance with law and preferably within a period of four months from the date of receipt of copy of this order.

A copy of this order be given to the counsel appearing for the State, Mr. Yatinder Sharma, Addl. A.G., Punjab under the signatures of Reader attached to this Court.

(AMIT RAWAL)
JUDGE

January 12, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No