

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

CWP No.24315 of 2015
Date of decision : 25.04.2017

Rajinder Singh (since deceased) through his LR's and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Amit Jain, Advocate for the petitioners.

Mr. Rajbir Singh, AAG, Haryana.

AMIT RAWAL, J. (Oral)

Challenge in the present writ petition is to the order (Annexure P-2), whereby Financial Commissioner (DB-II), Haryana, Chandigarh had taken suo motu cognizance against the order dated 07.04.1995 by setting aside the same after gap of 10 years.

Mr. Amit Jain, learned counsel for the petitioners submits that such powers can be exercised only within a reasonable time but not in the manner and mode. In support of his contention, he has relied upon ratio decidendi culled out by Hon'ble Supreme Court in *Loku Ram Vs. State of Haryana, 2000(1) RCR (Civil) 141* and reiterated by Division Bench of this Court in *Latoor Singh and others Vs. State of Haryana and another, 2016 (4) RCR (Civil) 16..*

On the contrary, Mr. Rajbir Singh, AAG, Haryana submits that

order under challenge is perfectly legal and justified as it was found that the prescribed authority may have committed illegality in raising the land from the surplus pool. It is in this aspect of the matter, order has been passed.

I have heard learned counsel for the parties and appraised the paper book.

The factum of Loku Ram's Judgment (Supra) leaves no manner of doubt that authorities at the helm of the affairs though can take suo motu cognizance but within reasonable period.

Order (Annexure P-1) is dated 07.04.1995, whereas cognizance of the same has been taken in 2005 i.e. almost after 10 years and, the alleged action of the authorities has already been deprecated in the aforementioned judgment. So is the view of mine.

Resultantly, order (Annexure P-2) is hereby set aside.

Accordingly, the present writ petition stands allowed.

25.04.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No