

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 4362 of 2014 (O&M)
Date of Decision: October 11, 2017

Narender Singh and others

.....Petitioners

versus

Financial Commissioner, Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDHIR MITTAL.**

Present: Mr. Som Nath Saini, Advocate
for the petitioners

Mr. Vishal Garg, Addl. A.G. Haryana

Mr. Vikram Singh, Advocate
for respondent No. 4

Surya Kant, J. (Oral)

The petitioners are aggrieved by order dated 27.01.2010 passed by the Collector, Yamuna Nagar, order dated 24.08.2011 passed by the Commissioner, Ambala Division, Ambala Cantt. as well as order dated 21.08.2013 passed by the Financial Commissioner, Haryana whereby their ownership claim qua the land measuring 5 Kanal, 2 Marla which is recorded in the Jamabandi for the year 1904-05 onwards as Gair Mumkin Samadh, situated in the revenue estate of village Barheri, Tehsil Jagadhri, District Yamuna Nagar, has been rejected. A perusal of the order dated 21.08.2013 passed by the Financial Commissioner, Haryana reveals that revision petition of the petitioners has been dismissed primarily for the reason that they could not prove on file that the land bearing Khasra No. 22/18/2

measuring 5 Kanal 2 Marla was given to them in lieu of the old Khasra No. 417 measuring 5 bigha 11 biswa. It has been further observed that 'Khatuni Pamaish' and 'Khatauni Istemal' prepared at the time of consolidation have not been brought on record to connect the new Khasra No. with old Nos. The petitioners have now placed on record of this Writ Petition 'Khatauni Paimaish' as well as 'Khatauni Istemal' (Annexures P-15, P-17 and P-18).

We have perused these documents. There appears to be some merit in the petitioners' contention that their predecessor-in-interest Surjit Singh and Ishar Singh were in possession of old Khasra No. 417 of Patti Khalsa as co-sharers in equal shares and the area of that Khasra No. was 5 bigha 11 biswa (Gair Mumkin Samadh).

Similarly, it is stated at the bar that as per the original 'Khatauni Paimaish' (Annexure 17/T), old Khasra Nos. 420 min, 422 min, 415 min, 416 min and 418 min were converted into new numbers 22//18/2 and in the column of cultivator 'Samadh' under possession of Surjit Singh and Ishar Singh as co-sharer is recorded in cultivating possession. Jamabandi for the year 1954-55 (Annexure P-18/T) also unfolds that in lieu of old Khasra No. 417 alongwith other Khasra numbers referred to above, new Khasra No. 22//18/2 was allotted.

In the light of the above stated documents, we are satisfied that the revision petition filed by the petitioners requires fresh adjudication on consideration of the entire revenue record including the documents now relied upon by the petitioners. Needless to say that the Gram Panchayat would be at liberty to controvert the contents or entries made in these documents.

For the reasons afore-stated the writ petition is allowed in part.

The revisional order (Anneuxre P-8) is set aside and the matter is remitted to the Financial Commissioner, Haryana for fresh adjudication. The parties are directed to appear before the Financial Commissioner on 13.11.2017. It shall be appreciated if the revision petition is decided within six months.

(SURYA KANT)
JUDGE

October 11, 2017
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

No