

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

CWP No.3396 of 2015
Date of decision : 09.03.2017

Rati Ram

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Vikram Singh, Advocate for the petitioner.

Mr. Sandeep Singh Mann, Sr. DAG, Haryana.

Mr. Parminder Singh, Advocate
for respondent Nos.4, 5, 7 to 9 & 12 to 15.

AMIT RAWAL, J. (Oral)

Prayer in the present writ petition is for issuance of writ in the nature of certiorari for setting aside the order dated 20.12.2010 (Annexure P-8) passed by respondent No.1 and order dated 17.11.2006 (Annexure P-7) passed by Commissioner, Rohtak Division Rohtak and order dated 11.10.2001 (Annexure P-6) passed by District Revenue Officer-cum-Collector, Karnal whereby the mode of partition, Naksha Be, Naksha Jeem have been made ex parte.

I have seen impugned order of Financial Commissioner which lacks the application of mind, thus, cannot be sustained in view of the law laid down by Division Bench of this Court in *Amar Khan and others Vs.*

State of Punjab and others, 2009(1) RCR (Civil) 741, as challenge to the sanad takseem always vest under Section 16 of Punjab Land Revenue Act which lies within the jurisdiction of the Financial Commissioner.

Resultantly, order of Financial Commissioner is set aside.

Matter is remitted back to the Financial Commissioner to decide the matter afresh after affording opportunities to the parties.

Parties through their counsel are directed to appear before Financial Commissioner on 03.04.2017.

With the aforementioned observations, present writ petition stands disposed of.

09.03.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No