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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 14.03.2017

1.

CWP-6418-2013

Manmohan Singh

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

2.

CWP-6522-2013

Sarwan Singh (deceased through LRs) and others

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sarwan Singh, Senior Advocate with
Mr. N.S. Rapri Singh, Advocate
for the petitioner(s) in CWP-6522-2013.

Mr. R.S. Chauhan, Advocate
for the petitioner(s) in CWP-6418-2013.

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

Ms. Surinder Kaur, Advocate for
Mr. R.S. Bhatia, Advocate
for respondent Nos.2 & 3 in CWP-6522-2013 and
for respondent Nos.5 & 6 in CWP-6418-2013.

AMIT RAWAL, J. (ORAL)

This order of mine shall dispose of two writ petitions bearing

CWP No.6418 of 2013 titled as **“Manmohan Singh V/s State of Punjab**

and others” and CWP No.6522 of 2013 titled as “Sarwan Singh (deceased through LRs) and others V/s State of Punjab and others” filed against the impugned order dated 06.12.2012 (Annexure P-18) passed by the Financial Commissioner (Revenue), Punjab. The facts are taken from CWP No.6418 of 2013.

Mr. R.S. Chauhan, learned counsel appearing on behalf of the petitioner in CWP No.6418-2013 submits that the order dated 06.12.2012 (Annexure P-18) of the Financial Commissioner is wholly misconceived and misdirected. The reference to the order dated 19.02.1998 (Annexure P-10) has nothing to do with the facts and circumstances of the case as the said order is in respect of the case of “Harbaksh Singh V/s State of Punjab”.

This fact is not denied by the learned counsel for the State and as well as for the private respondent(s).

Mr. Sarwan Singh, learned Senior Counsel assisted by Mr. N.S. Rapri learned counsel appearing on behalf of the petitioner(s) submits that the petitioner(s) in CWP No.6522 of 2013 is the vendee from the original landowners. It is a case of determination of the permissible area at the hands of the landlord.

Keeping in view the aforementioned facts, I do not intend to delve/ponder upon the merit and demerits of the case as the facts and the questions of law are to be seen by the Financial Commissioner.

Resultantly, the impugned order dated 06.12.2012 (Annexure P-18) passed by the Financial Commissioner is hereby set aside and the matter is remanded back to the Financial Commissioner to decide the ROR

afresh keeping in view respective pleadings and arguments of the parties in a most pragmatic and reasonable manner, much less, objectively.

Learned counsel for the parties are directed to appear before the Financial Commissioner on 06.04.2017.

Disposed of, accordingly.

14.03.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No