

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

**CWP No.8251 of 2014
Date of decision:28.04.2017**

Parminder Singh

... Petitioner

Vs.

Financial Commissioner (Revenue), Punjab
Chandigarh and others

... Respondents

CWP No.8347 of 2014

Varinder Singh

... Petitioner

Vs.

Financial Commissioner (Revenue), Punjab
Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Arun Jain, Senior Advocate with
Mr. P.S.Jammu, Advocate
for the petitioner.

Mr. T.N.Sarup, Addl.A.G.Punjab.

Mr. Sandeep Khunger, Advocate
for respondent No.5.

AMIT RAWAL J. (Oral)

This order of mine shall dispose of two writ petitions bearing
nos.8251 and 8347 of 2014.

Mr. Arun Jain, learned Senior Counsel assisted by Mr.
P.S.Jammu, Advocate appearing on behalf of the petitioner submits that the

petitioner has challenged the order dated 11.02.2014 (Annexure P-5) rendered by the Financial Commissioner in ROR Nos.318-321 of 2013, whereby, the matter has been remanded back to the Assistant Collector Grade I, for the purpose of passing fresh order regarding correction of khasra by setting aside the order of other authorities. In this regard, he has drawn the attention of this Court to the operative part of the order dated 11.02.2014 which reads as under:-

“5. I have carefully considered the rival contentions and have gone through the record of the case. Having done so, I am of the view that these petitions must succeed. This is because the Assistant Collector Grade -I did not even summon the representative of State before changing the girdawari – a clear violation of Govt. instructions. Further the respondents had filed civil suits contending that they were in possession of the land in question and that the present petitioners should be restrained from interfering in their possession. These suits were dismissed by the civil Court holding that despite four opportunities being granted to the plaintiffs they had produced no evidence whatsoever to support their claim of possession over the land. Once the Civil Court has held that the present respondents are not in possession of the land there is no question of the khasra girdawari being in their name since civil court findings are binding on revenue officers. Thus the order of the Assistant Collector Grade-I and of the Commissioner

cannot to sustain and are set aside.

6. *As a result of the above discussion, these petitions are accepted and the orders of the Assistant Collector Grade-I and Commissioner are set aside. It is also directed that the representative of the Govt. must be heard before deciding the matter since the ownership of the land vests with the Govt. The parties present have been directed to appear before the Assistant Collector Grade-I on 1.4.2014 for further proceedings.”*

Mr. Sandeep Khunger, learned counsel appearing on behalf of respondent No.5 submits that since there was no interim order passed by this Court and of the Financial Commissioner remanding back the matter to the Assistant Collector Ist Grade, for passing fresh order which has been assailed by the petitioners, but in the meantime, fresh order by the Assistant Collector Ist Grade, in pursuance to remand has been passed.

In view of the supervening fact which has occurred during the pendency of the writ petition, no cause of action survives in the present writ petitions as having been rendered infructuous.

Accordingly, the writ petitions stand disposed of as infructuous.

(AMIT RAWAL)
JUDGE

April 28, 2017

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Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No