

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

CWP No.7848 of 2016

Date of Order: 13.11.2017

Sukhdev Singh and Ors.

....Petitioners

Versus

Financial Commissioner Revenue and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. R.S. Chauhan, Advocate for the petitioners.

Mr. Suveer Sheokand, Addl.AG, Punjab.

Mr. Arvind Thakur, Advocate for respondent Nos.6,9,10 & 14.

Mr. K.B.S Mann, Advocate for respondent No.21.

RAKESH KUMAR JAIN, J (ORAL)

The petitioners have challenged the order dated 06.7.2010 passed by the Financial Commissioner by which he has remanded the case back to the Commissioner to exercise his powers under Section 16(2) of the Punjab Land Revenue Act, 1887 (for short “the Act”).

Learned counsel for the petitioners has submitted that the revisional powers also vests with the Financial Commissioner under Section 16(1) of the Act which includes in its ambit to challenge the Sanad Taksim but the Financial Commissioner has erroneously remanded the case back to the Commissioner to exercise power under Section 16(2) of the Act.

Learned counsel for the respondents, however, submits that the Financial Commissioner has rightly remanded the case back to the Commissioner as he has no power of revision.

I have heard learned counsel for the parties and after examining the record, am of the considered opinion that *suo moto* powers are with the Financial Commissioner under Section 16(1) of the Act. Once the said power vests with him, he should have himself exercised the powers instead of remanding the case to the Commissioner.

Consequently, the present petition is allowed and the case is remanded back to the Financial Commissioner to hear the revision and decide the same. Parties are directed to appear before him on 04.12.2017.

November 13, 2017
manoj

(RAKESH KUMAR JAIN)
JUDGE