

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

CWP No.9335 of 2016
Date of decision : 20.01.2017

Sukhwinder Singh

...Petitioner

Versus

Financial Commissioner, Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. N.K. Vadehra, Advocate for the petitioner.

Ms. Monica Chhiber Sharma, DAG, Punjab.

Mr. Rajbir Singh, Advocate for respondent No.2.

AMIT RAWAL, J. (Oral)

Grievance of the petitioner is that the Commissioner has accepted the appeal of Jagsir Singh-respondent No.2 filed under Section 13 of the Punjab Land Revenue Act 1887 against the order dated 14.03.2011 of District Collector, Barnala, whereby petitioner was appointed as Lambardar. He has drawn the attention of this Court to the grounds of appeal extracted in the writ petition, where opening lines of grounds, reads thus:-

“1. That the appeal is being filed after the delay of 51 days. Separate application for the condonation of delay is attached herewith. The certified copy of order dated 14.3.2011 is attached herewith.”

Learned counsel for the petitioner submits that there is delay of 51 days and Commissioner without condoning the delay has allowed the

appeal. Same very point was urged before FCR but same met with the same fate, therefore, present writ petition.

Mr. Rajbir Singh, learned counsel appearing on behalf of respondent No.2 submits that he does not dispute the factum of grounds of appeal but there is no separate order with regard to the condonation of delay.

I have heard learned counsel for the parties and appraised the paper book.

I am of the view that order of Commissioner is not sustainable. There has to be an order on condonation of delay after hearing of the parties, therefore, Orders Annexure P-2 and P-5 are set aside.

Matter is remitted back to the Commissioner to decide the appeal afresh along with application seeking condonation of delay of 51 days as expeditiously as possible within a period of 4 months from the date of receipt of certified copy of the order.

With the aforementioned observation, present writ petition is disposed of.

Liberty is granted to take up all the points before the Commissioner which is being raised in the present writ petition.

20.01.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No