

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

CWP No.4957 of 2017

Date of Decision.10.03.2017

Swinder Singh

.....Petitioner

Vs

Financial Commissioner (Appeals) Punjab and othersRespondents

Present: Mr. Karamjeet Singh Mangat, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioner is aggrieved of the impugned order dated 07.09.2016 (Annexure P-1) rendered by the Financial Commissioner (Appeals) whereby the revision petition bearing ROR No.401 of 2014 had been preferred by the petitioner against the order of the Commissioner dated 10.12.2013, who had remanded the matter back to the Collector to decide the matter afresh, keeping in view certain allegations.

Learned counsel appearing on behalf of the petitioner submits that the allegation of illegal possession of four plots was never raised before any authority nor in the ground of appeal filed before the Commissioner, therefore, the order of remand was bad in law, much less, erroneous and the revision petition has been dismissed without any application of mind, hence the present writ petition.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that the authorities under the Punjab Land Revenue Act and Rules as applicable to Punjab can always consider the fact of appointment for the post of Lambardar. If at all, allegations have been

surfaced at the stage of appeal, they can always be looked into and in this

backdrop of the matter, the Commissioner remanded the matter back to the Collector. The petitioner shall also be able to rebut the same and therefore, the finding given by the Commissioner would not come in his way in rebutting the allegation before the Collector in pursuance of the remand order. It is expected that the Collector shall decide the matter as expeditiously as possible and preferably within a period of three months from the date of receipt of certified copy of this order.

The writ petition stands dismissed but with the above observations.

(AMIT RAWAL)
JUDGE

March 10, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No