

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

CWP No. 12947 of 2017 (O&M)
DATE OF DECISION : 08.05.2018

Birmati and others

....PETITIONERS

Versus

Jai Narain and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. J.S. Cooner, Advocate,
for the petitioners.

Mr. Sandeep Singh Mann, Senior DAG, Haryana,
for respondents No.6 to 9.

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AVNEESH JHINGAN, J. (Oral)

This writ petition is result of litigation between the petitioner and respondents No.1 to 5 with regard to partition of the land. Aggrieved of the order dated 20.06.2011 passed by the Assistant Collector Ist Grade, Sampla, an appeal was preferred by the petitioners before the Collector, Rohtak. The appeal was dismissed vide order dated 29.09.2011. Still aggrieved, a revision petition was preferred before the Commissioner, Rohtak Division, Rohtak. The said revision petition was dismissed vide order dated 08.02.2017. The relevant observations of the Commissioner are quoted below :-

“5. I have heard the arguments of both the parties and perused the documents available on record. The lower court after considering the

objections of the petitioners and their shares and interest have approved Naksha-B. The Collector have dismissed the appeal of the petitioners after detailed discussion. On 20.6.2011 sanad taksim of the land in dispute has been issued. I am in agreement with the ruling cited by the counsel 1997 (2) PLJ 370, 2009 (1) RCR (Civil) 741, 2010 (2) RCR (Civil) 263, 2001 (2) RCR (Civil) 496, 739 that once sanad taksim has been prepared no appeal or revision against the same is maintainable before Collector/Commissioner and only Financial Commissioner has the right under the special circumstances to interfere in the orders passed by the courts below.”

While issuing notice of motion, it was noticed that the State of Haryana, vide notification dated 10.04.2017, restricted the remedy of revision till the Court of Divisional Commissioner.

In view of the amendment vide the aforesaid notification, dismissal of the revision petition on the ground that the same would be maintainable only before the Financial Commissioner cannot be sustained. The matter is remitted back to the Divisional Commissioner to decide the issue on merits, after notice to the parties.

Petition is disposed of accordingly.

May 08, 2018
ndj

(AVNEESH JHINGAN)
JUDGE

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