

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.18683 of 2015
Date of Decision:26.6.2018

Narender Singh & others

...Petitioners

Versus

The Financial Commissioner & others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas Bahl, Senior Advocate with
Mr. Rai Singh Chauhan, Advocate and
Ms. Jaspreet Kaur, Advocate
for the petitioners.
Mr. N. K. Banka, DAG, Punjab.
Mr. Kashmir Singh, Advocate
for respondent No.6.

ANIL KSHETARPAL, J.

The present civil writ petition has been filed with the following prayers:-

- (i) *“Issuance of writ in the nature of Certiorari Quashing the order dated 30.01.2015 (Annexure P-13) passed by respondent No.1 i.e. the Financial Commissioner and order dated 20.11.2009 (Annexure P-8) passed by learned Collector i.e. respondent No.3.*
- (ii) *Further the order passed by the Naib Tehsildar-Cum Assistant Collector 2nd Grade dated 12.05.2009 (Annexure P-7) may be upheld in the interest of justice.*
- (iii) *Any other writ, order of direction be issued, which this Hon'ble Court may deem fit may also be granted to the petitioners in the facts and circumstances of this case.*
- (iv) *Dispense with serving of prior notice to the respondents.”*

Dispute in the present writ petition relates to correction of Khasra Girdawari (Revenue Record). The orders passed by the revenue authorities have been challenged. This Court vide a separate judgment in RSA No.3684 of 2008 between the same parties has decided the dispute with regard to specific performance of the agreement to sell. The petitioners herein were respondents in the aforesaid appeal.

It will be significant to note that in the previous litigation filed against respondents No.5 and 6, a finding was returned by the civil court on appreciation of evidence that respondents No.5 and 6 are not in possession of the property. The aforesaid judgment has become final against respondents No.5 and 6. The Assistant Collector 2nd Grade ordered correction of the revenue record after visiting the land in the presence of Circle Patwari (Revenue official), which has been reversed/set aside by the Collector. In the revision petition, the order passed by the learned Financial Commissioner is perfunctory. The Financial Commissioner has placed much reliance on the judgment passed by the learned first appellate court in the civil suit which has been reversed by this Court by a judgment of even date, i.e. RSA No.3684 of 2008.

In view of the aforesaid discussion, the writ petition is allowed. The order dated 30.1.2015 passed by the Financial Commissioner and the order dated 20.11.2009 passed by the Collector are set aside, while restoring the order dated 12.5.2009 passed by the Assistant Collector 2nd Grade.

26.06.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No