

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

**114**

**CWP-12877-2018**

**Date of decision: 17.10.2018**

Santosh Kumar & others

....Petitioners

Versus

State of Haryana & others

....Respondents

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA**

Present: Mr.S.K.Yadav, Advocate, for the petitioners.

**G.S. SANDHAWALIA, J. (Oral)**

Challenge in the present writ petition, filed under Articles 226/227 of the Constitution of India, by the tenants, is to the order of remand, passed by the Commissioner dated 24.01.2014 (Annexure P-5) and upheld by the Financial Commissioner on 21.02.2018 (Annexure P-6).

Counsel for the petitioners has submitted that the said order should be set aside and the order passed by the Collector dated 06.07.2010 (Annexure P-4) should be restored, setting aside the order of the Assistant Collector dated 14.01.2010 (Annexure P-3). Resultantly, the land possessed by the petitioners had been ordered to be vacated for violations of the provisions of PEPSU Tenancy & Agriculture Land Act, 1955 (for short, the '1955 Act'), on the grounds of non-payment of rent, subletting, cutting the trees and changing the shape and nature of the same and not getting executed the revenue settlement deed, is sought to be set aside.

The Collector had set aside the said order in to-to on 06.07.2010 (Annexure P-4) on the ground that tenant has to be given sometime to pay the arrears and no opportunity was given in this regard. Private-respondents/landlords carried the matter to the Commissioner and it was noticed that the order of the Collector was defective and it was remanded on the ground that full opportunity of hearing should be given to both the parties, to decide the merits and demerits.

As noticed, the said order of the Assistant Collector was composite qua various defaults which have not been really gone into by the

Collector and in such circumstances, the Commissioner had rightly remanded the matter that the same should be re-decided after going into all the aspects. The order was found sketchy, as such, which has further been upheld by the Financial Commissioner on the ground that the Collector had only considered the ejectment directed under Section 7(1)(b) of the 1955 Act and there were other grounds also and it was not a speaking order.

In such circumstances, the tenants, as such, cannot claim the benefit of the order of the Collector which did not deal with all the issues which had been raised by the private-respondents qua eviction on various grounds. It is settled principle that an order has to be reasoned and has to deal with all issues which arise before it, which was missing in the order of the Collector. Even otherwise, the petitioners have been duly protected qua the eviction and on account of arrears, an opportunity is to be given to them. They cannot complain of the orders passed by the superior revenue authorities and therefore, there is no occasion for this Court to consider the matter further, under the extraordinary writ jurisdiction under Articles 226/227 of the Constitution of India.

Accordingly, in view of the above discussion, the present writ petition is hereby dismissed in limine.

17.10.2018  
Sailesh

(G.S. SANDHAWALIA)  
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No