

CWP-16418-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-16418-2018

Date of Decision: 9th July, 2018

Gurdeep Kaur

...Petitioner

Versus

Financial Commissioner, Revenue, Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sandeep Arora, Advocate, for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court assailing the order passed by the Financial Commissioner, Revenue, Punjab, dated 06.06.2018 (Annexure P-4) upholding the order passed by the Commissioner, Jalandhar Division, Jalandhar, dated 16.04.2018 (Annexure P-2) dismissing his application for transfer of a partition application filed by respondents No.4 and 5 against the petitioner and respondents No.6 to 9, which is pending consideration before the Assistant Collector Ist Grade-cum-Tehsildar, Phagwara, to some other Court of competent jurisdiction.

Counsel for the petitioner contends that the Assistant Collector Ist Grade-cum-Tehsildar, Phagwara, during the hearing of the case, has been insisting upon the compromise in the matter instead of proceeding to decide the same. In those circumstances, petitioner has no option but to file an application for transfer the case from the said Court to some other Court, which application has been wrongly dismissed by the Commissioner, Jalandhar Division, Jalandhar, vide order dated 16.04.2018 (Annexure P-2), appeal against which has been dismissed by the Financial Commissioner

Revenue, Punjab, without taking into consideration that the transfer application was genuine and the apprehension of the petitioner was correct as the Assistant Collector Ist Grade-cum-Tehsildar, Phagwara, has been insisting upon the compromise in the matter instead of proceeding to decide the same. There were political reasons also which have pressurized the Competent Authority to decide the matter in a particular manner. He, thus, contends that the impugned orders deserve to be set aside and the matter required transfer to some other competent Court for decision of the application for partition.

Having considered the submissions made by the counsel for the petitioner and on going through the impugned orders, this Court does not find any justification to interfere in the orders which have been passed by the authorities below. Mere apprehension cannot be pressed into service for transfer of the case from one authority to the other. It has been specifically concluded by the authorities that the apprehension of the petitioner is unfounded on all scores. Apart from that, it has been opined that the petitioner is delaying the finalization of the partition proceedings. The findings as recorded by the authorities below do not appear to be perverse or based upon any illegality, which would call for any interference of this Court by exercising by its extraordinary jurisdiction.

In view of the above, the present writ petition stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

9th July, 2018

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