

CWP no. 20388 of 2017 (O&M) 1

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

CWP no. 20388 of 2017 (O&M)

Date of Decision : 03.08.2018

Kashmir Chand

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE MAHABIR SINGH SINDHU**

Present : Mr.S.K.Verma, Advocate for the petitioner(s)

Ms. Kirti Singh, DAG, Haryana

Mr. P.S.Jammu, Advocate for respondent no.5

MAHESH GROVER, J.(ORAL)

The petitioner impugns the order Annexure P-7. Prior thereto Annexure P-6 had been passed by the Commissioner on an application moved by the respondent no.5 remanding the matter to the Tehsildar to determine the issue after hearing the parties and considering their objections. This order was passed on 19.7.2017 the petitioner did not challenge this order but rather waited for the Tehsildar to comply with the order of the Commissioner and has now come to this Court impugning the order of the Tehsildar dated 1.8.2017.

A grievance has been raised that the Commissioner could not have entertained this application after a delay of more than four decades.

We are of the opinion that the petitioner was alive to these issues even when

he had submitted himself to the order in subsequent proceedings before Tehsildar but he never questioned the order of the Commissioner.

Be that as it may, the fact that confronts us is that the Tehsildar has passed a fresh order in compliance with the directives of the Commissioner which is appealable.

Consequently, we decline interference in the appeal and leave the petitioner to his remedies in law of filing an appeal. Needless to say that the petitioner would be at liberty to raise all the pleas before the Commissioner.

(Mahesh Grover)
Judge

03.08.2018
rekha

(Mahabir Singh Sindhu)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No