

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

CWP No.23252 of 2018

Date of decision: 13.9.2018

Balbir Singh

...Petitioner

Versus

Financial Commissioner, Government of Haryana and others

...Respondents

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

Present: Mr. Sudhir Rana, Advocate for
Mr. K.P.Singh, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The landowners herein are in second round of litigation after they have lost initially on 12.12.2018 (Annexure P/5) before the Division Bench. At that time the tenants private respondents no. 5 to 11 who are legal representatives of Sukh Ram were before this Court as petitioners and the ejectment orders were set aside on the ground that the arrears of rent, interest and costs had to be calculated and an opportunity had to be given to the tenants to deposit the same within the mandate of the provision to Section 14-A(I) of the Punjab Security of Land Tenures Act, 1953. The matter had been sent back for redetermination as per terms specified by the Division Bench. Mansa Ram one of the co-owner had taken the matter unsuccessfully before the Supreme Court by filing SLP No.1503-1504 of 2009 which was dismissed on 16.2.2009 (Annexure P/6).

In pursuance of the remand by the Division Bench, order of eviction was passed by the Assistant Collector Ist Grade, Palwal on 13.6.2011 (Annexure P/1) on the ground that amount of arrears had not

been deposited. The said order was found not to be in consonance with the order of the Division Bench by the Collector who allowed the appeal of the private respondents on 15.12.2011 (Annexure P/2) and remanded the matter to respondent no.4 so that the order could be passed as per direction of this Court within three months. The petitioner aggrieved against the said order has exhausted his remedies unsuccessfully before the Commissioner Gurgaon Division, Gurgaon on 15.10.2013 (Annexure P/3) and Financial Commissioner, Haryana on 2.2.2018 (Annexure P/4).

In such circumstances, the authorities below found that the order of the Division Bench passed earlier between the parties had not been complied with in its entirety and directed remand and therefore, it is for respondent no.4 now to proceed afresh as directed by the Collector. The concurrent findings as such which have been recorded by the authorities below do not suffer from any infirmity once the landlords themselves lost out till the Apex Court in an earlier round of litigation.

Resultantly, this Court is of the opinion, the present petition is bereft of any merit and the same is accordingly dismissed in limine.

September 13, 2018
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No