

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

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Civil Writ Petition No.32825 of 2018

Date of Decision: December 17th, 2018

Karam Singh

...Petitioner

Versus

Financial Commissioner (Appeals) Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. G.S. Nagra, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 10.05.2018 (Annexure P-8) passed by the Financial Commissioner (Appeals), Punjab, order dated 24.12.2013 (Annexure P-4) passed by the Commissioner, Jalandhar Division, Jalandhar, order dated 25.03.2010 (Annexure P-3) passed by the Deputy Commissioner-cum-District Collector, Hoshiarpur, as well as the order dated 28.07.2008 (Annexure P-2) passed by the Sub Divisional Magistrate-cum-Assistant Collector 1st Grade, Dasuya, where in all these cases, petitioner has been held to be the tenant of respondents 5 to 9 and, therefore, was liable to pay them *batai*.

2. It is the contention of learned counsel for the petitioner that the land, a share of which the petitioner was in possession as a lessee, was not partitioned and the said land being a joint ownership, petitioner could have paid the *batai* to any of the co-sharers. The stand of the petitioner is that he had paid the *batai* to Darshan Singh, who is one of the co-sharers of the land. Therefore, he, contends that there were no dues towards the petitioner.

His further contention is that he had not only paid the *batai* but has also

handed over possession to Darshan Singh. He, thus, contends that the orders

passed by the authorities below cannot sustain and deserve to be set aside.

3. I have heard the learned counsel for the petitioner and with his assistance, have gone through the impugned orders.

4. Perusal of the order dated 10.05.2018 (Annexure P-8) passed by the Financial Commissioner (Appeals), Punjab-respondent No.1 would show that the petitioner had admitted in the cross-examination that the land in dispute was taken by him for cultivation on *batai* from late Goverdhan Lal and paid the rent to him till his death. After his death, he had been paying the rent to one of the sons of Goverdhan Lal i.e. Vijay Kumar-respondent No.8 herein. In the light of this admission on the part of the petitioner, whether the land was partitioned or not, would not make much of a difference in the light of the fact that he had taken over the land from Goverdhan Lal, who was the predecessor-in-interest of respondents 5 to 9 and had further been paying rent initially to Goverdhan Lal till his death and thereafter to his son Vijay Kumar. The findings as recorded by the authorities below cannot be faulted with.

5. The writ petition being devoid of merit stands dismissed.

December 17th, 2018
Puneet

AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No