

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

126

Civil Writ Petition No.2255 of 2019

Date of Decision: February 22nd, 2019

Smt. Krishan Rani through her GPA Joginder Pal

...Petitioner

Versus

State of Haryana through its Financial Commissioner and
Principal Secretary to Govt. of Haryana, Revenue and Disaster Management
Department, Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ram Pal Verma, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for quashing of the order dated 21.09.2018 (Annexure P-6) passed by the Financial Commissioner, Revenue, Haryana, whereby the revision petition preferred by the petitioner challenging the order dated 07.08.2001 (Annexure P-5) passed by the Chief Settlement Commissioner, Haryana, vide which reference made by the Government was accepted rejecting the earlier order dated 09.12.1998 (Annexure P-2) passed by the Additional Settlement Officer (Sales)-cum-Assistant Settlement Commissioner, Haryana-respondent No.4, has been dismissed.

2. It is the contention of learned counsel for the petitioner that father-in-law of the petitioner i.e. Shri Bhudhu Ram son of Jaimal was allotted 67 kanals of land in Village Khera Hadwas, Tehsil Siwani, District Bhiwani. No one approached the competent authority for taking possession or for issuance of proprietary right and hence, the allotment was cancelled vide order dated 30.04.1985 by the Section Officer-cum-Managing Officer. On an appeal preferred by petitioner-Smt. Krishna Rani,

the same was accepted and the order dated 09.12.1998 was passed by the Additional Settlement Commissioner. This order dated 09.12.1998, when was not given effect to, petitioner filed a writ petition i.e. CWP No.4862 of 1999 for issuance of a direction to the respondents to allot the land as per the order dated 09.12.1998 passed by the Additional Settlement Officer (Sales)-cum-Assistant Settlement Commissioner, Haryana. The said writ petition was withdrawn on 09.04.1999 with liberty to the petitioner to approach the appropriate authority. In the meanwhile, on a reference made by the Government against the order dated 09.12.1998 of the Additional Settlement Officer (Sales)-cum-Assistant Settlement Commissioner, Haryana, the Chief Settlement Commissioner set aside the said order vide order dated 07.08.2001. The said order dated 07.08.2001 could not be challenged by the petitioner as she was illiterate and thus, was not aware of the remedy which was available to her. Ultimately she filed a revision petition in the year 2016, which has been dismissed by the Financial Commissioner, Revenue and Disaster Management Department, Haryana, vide order dated 21.09.2018 (Annexure P-6) on the ground of delay of more than 15 years in filing the revision petition. This, the counsel for the petitioner contends, cannot sustain and deserves to be set aside and the claim of the petitioner requires to be considered and decided on merits.

3. I have considered the submissions made by learned counsel for the petitioner and with his assistance, have gone through the records of the case.

4. The facts as have been narrated above are not in dispute and as is apparent from the above facts, the basic order which has gone against the petitioner is the one dated 07.08.2001 passed by the Chief Settlement

Commissioner setting aside the order dated 09.12.1998 passed by the Additional Settlement Officer (Sales)-cum-Assistant Settlement Commissioner, Haryana, vide which the order dated 30.04.1985 passed by the Section Officer-cum-Managing Officer cancelling the allotment in favour of the predecessor-in-interest of the petitioner namely Shri Budhu Ram son of Jaimal, has been set aside. The said order admittedly has not been challenged after the withdrawal of the writ petition by the petitioner in the year 1999. The findings and the observations of the Financial Commissioner, Revenue, Haryana, dated 21.09.2018 (Annexure P-6) as recorded, cannot be faulted with as this is a case, where there has been an inordinate delay of more than 15 years in approaching the Financial Commissioner, Revenue, challenging the order passed by the Chief Settlement Commissioner. In such a situation where there is no explanation worth consideration, the Financial Commissioner had no option but to pass an order, as has been so passed. This Court is unable to accept the explanation, which has been put forth by the counsel for the petitioner that the petitioner is an illiterate lady and, therefore, could not file the revision petition within the time as provided in the statute. Had there been some explanation forthcoming and that the delay would have been explained, the Court could have taken a lenient view. There is nothing on the record to suggest such an explanation worth consideration.

5. Finding no merit in the present writ petition, the same stands dismissed.

February 22nd, 2019
Puneet

AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No