

CWP-8671-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-8671-2019

Date of Decision: 1st April, 2019

Buta Singh & another

...Petitioners

Versus

Financial Commissioner, Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Surjit Singh Salar, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court impugning the order dated 19.07.2017 (Annexure P-12) passed by the Financial Commissioner, Punjab – respondent No.1, dismissing the revision petition preferred by the petitioners and upholding the order passed by the Commissioner, Patiala Division, Patiala, dated 16.05.2007 (Annexure P-11), wherein, challenge was to the order of District Collector, Sangrur, dated 21.10.1999 (Annexure P-10), in which, order dated 31.03.1999 passed by the Assistant Collector 1st Grade, Dhuri, has been set aside.

2. It is the contention of the learned counsel for the petitioners that the orders passed by the authorities below cannot sustain as the petitioners are claiming their rights on the basis of their respective shares and their relationship with deceased – Smt. Jeoni @ Jeewni. He contends

that the petitioners had challenged the order passed by the Assistant Deputy Collector which was upheld by the order of Commissioner as well as the Financial Commissioner, which authorities have not taken into consideration the factum that they were more nearer in relationship as collaterals to Smt. Jeoni @ Jeewni than the other respondents. He, thus, contends that the impugned orders cannot sustain and deserve to be set aside.

3. I have considered the submissions made by the learned counsel for the petitioners and with his assistance have gone through the impugned orders but do not find myself in agreement with the submissions as have been put forth by him for the simple reason that the orders which have been passed by the authorities below and impugned herein are based upon the judgment passed by this Court in RSA No.749 of 1967, titled as 'Jang Singh & others Vs. Gajjan Singh & others', decided on 02.05.1971 (Annexure P-6). The said judgment clinches the issue against the petitioners and the authorities below have, in detail, gone into this aspect and given effect thereto.

4. In the light of the well-reasoned order passed by the District Collector, Sangrur, dated 21.10.1999 (Annexure P-10), which was upheld by the Divisional Commissioner, Patiala Division, Patiala, dated 16.05.2007 (Annexure P-11) and the Financial Commissioner, Punjab, dated 19.07.2017 (Annexure P-11), which is impugned herein, cannot be said to be not in accordance with law and no interference in the impugned order is, thus, called for.

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5. The writ petition, therefore, stands dismissed.
6. It goes without saying that the liberty, if any, granted in the
impugned orders will not be effected by the dismissal of the present writ
petition provided it has been availed of in accordance with law.

1st April, 2019
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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