

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

CWP-11132-2019

Date of Decision: 14.10.2019

Atinder Joshi

. Petitioner

Vs.

The Financial Commissioner and others

. Respondents

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE ARUN KUMAR TYAGI**

Present: - Mr.Vikram Singh, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has challenged the orders dated 31.03.2008 passed by the Commissioner, Ambala Division, Ambala and 29.9.2010 passed by the Financial Commissioner and has prayed for restoration of the order dated 02.01.2008 passed by the Collector, Ambala.

In brief, petitioner is the son of Arjun Kumar, who had filed a suit under Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961 [for short 'the Act'], in representative capacity, for seeking a declaration that he and other *khewatdars* are the owners of land measuring 1130 kanal 5 marla, *inter alia*, on the ground that the said land was taken from their holding during consolidation in the year 1957-58 and a separate khewat was carved out from the bachat land as per the share of the proprietors and a provision was made that the proprietors may get it partitioned by mutual consent as per their share but the Gram Panchayat is claiming ownership on the said land. The said suit was decreed by the Collector, Ambala on 02.01.2008. The appeal filed by the Gram Panchayat

against the said judgment and decree dated 02.01.2008 before the Commissioner, Ambala Division, Ambala was allowed and the revision petition filed by the father of the petitioner was dismissed by the Financial Commissioner.

Admittedly, the petitioner has challenged the orders dated 31.03.2008 and 29.09.2010 by filing this petition in the year 2019 i.e. after a period of about 9 years and has not given any reason in the petition for not assailing the validity of the impugned orders within a reasonable time, therefore, we are of the considered opinion that the present petition suffers from the vice of delay and laches and thus the same is hereby dismissed on the said ground alone.

(RAKESH KUMAR JAIN)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

14.10.2019

Vivek

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*