

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

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Civil Writ Petition No.17873 of 2019 (O&M)
Date of Decision: October 29th, 2019

Sardool Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Amit Arora, Advocate
for the applicant-petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.14647-CWP of 2019

Prayer in this application is for placing on record the order dated 25.11.2009 passed by learned Sub Divisional Magistrate-cum-Collector, Tarn Taran as Annexure P-7.

Application is allowed subject to just exceptions.

Annexure P-7 is taken on record.

CWP No.17873 of 2019

Petitioner has approached this Court challenging the order dated 10.05.2018 (Annexure P-5) passed by the Financial Commissioner (Appeals), Punjab, whereby the revision petition preferred by the petitioner against the order dated 21.02.2014 (Annexure P-4) passed by the Commissioner, Jalandhar Division, Jalandhar, stands dismissed for non-prosecution and the order dated 25.10.2018 (Annexure P-6) passed by the Financial Commissioner rejecting the application for restoration/recalling of the order dated 10.05.2018.

2. Counsel for the petitioner states that not only the Financial Commissioner has dismissed the revision petition for non-prosecution but has also made certain observations on the merits of the

revision petition, which is not sustainable. He contends that because of the fault of the counsel, the party should not be the sufferer. He, thus, asserts that the observations and the findings as recorded by the Financial Commissioner (Appeals), Punjab, cannot sustain and deserve to be set aside. In both the orders, the counsel has been made the basis for denying the benefit to the petitioner. Assertion has also been made that the Financial Commissioner (Appeals), Punjab, has not taken into consideration the fact that similar objections which were taken at the time of finalisation of *naksha arra* were taken at the time of finalisation of *naksha erre* and, therefore, the competent authority has rightly proceeded to reject the same. Assertion has, thus, been made that the endeavour on the part of the private respondents is only to delay the process of finalisation of the partition proceedings and, therefore, the orders as passed by the Financial Commissioner deserve to be set aside and the case remanded to the Financial Commissioner for fresh decision.

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

4. At the request of the counsel or the petitioner and keeping in view the fact that certain observations have been made by the Financial Commissioner (Appeals), Punjab, in the order dated 10.05.2018 relating to the merits of the case and that too in the absence of the counsel, this Court has gone through the orders, as have been passed by the authorities below but do not find any illegality in the observations, which have been made by the Financial Commissioner in the order dated 10.05.2018 (Annexure P-5). What has been argued by the counsel for the petitioner is that the competent authority has rightly rejected the

objections which were raised at the stage of finalisation of *naksha erre* as there were similar objections taken at the time of finalisation of *naksha arra* but there is no mention thereof in the order dated 27.09.2010 (Annexure P-2) which has been passed by the competent authority while rejecting the objections of the private respondents. In the absence of any observations with regard to the objections being similar to that of *naksha arra* which were taken at the time of finalisation of *naksha erre*, the said contention of the counsel for the petitioner cannot be accepted. Order dated 27.09.2010, no doubt, is very sketchy and the objections have not been even mentioned, what to say of dealt with while passing the said order except for observing that the objections are rejected nothing more has been mentioned in the said order. Order dated 27.09.2010 (Annexure P-2), therefore, passed by the Assistant Collector Grade I, Tarn Taran, has rightly been set aside by the authorities below, which do not call for any interference by this Court.

5. In view of the above, finding no merit in the present writ petition, the same stands dismissed.

October 29th, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No