

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

203

Civil Writ Petition No.15067 of 2016

Date of Decision: January 14th, 2019

Kasturi Lal and others

...Petitioners

Versus

The Financial Commissioner (Appeals-I), Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rajan Bansal, Advocate
for the petitioners.

Mr. Charanpreet Singh, Assistant Advocate General, Punjab.

Mr. Davinder Kumar, Advocate
for Mr. P.K.S. Phoolka, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court challenging the order dated 08.10.2015 (Annexure P-9) passed by the Financial Commissioner (Appeals-I), Punjab-respondent No.1, whereby without even setting aside the orders impugned in the revision petition, the Financial Commissioner (Appeals-I) has remanded the case to the Assistant Collector Ist Grade with a direction to hear respondent No.2 on the pleas taken in the revision petition with regard to the nature of the land and pass a speaking order.

Perusal of the reply, which has been filed by the respondents, would not indicate that any notice was issued to the petitioners prior to passing of the order. It is apparent from the order dated 08.10.2015 that on the submissions of the respondents without even issuing notice, the learned Financial Commissioner (Appeals-I), Punjab, has proceeded to remand the case to the Assistant Collector Ist Grade. This violates the principles of natural justice as also the principle of giving an opportunity of hearing to all

order. In the present case, the remand order has been passed by the Financial Commissioner (Appeals-I), Punjab, without even issuing notice, what to say of giving an opportunity of hearing to the petitioners.

In view of the above, the present writ petition is allowed.

The impugned order dated 08.10.2015 (Annexure P-9), therefore, is hereby set aside.

Let the parties appear before the Financial Commissioner (Appeals-I), Punjab, on **15.02.2019 at 10:00 AM**.

The Financial Commissioner shall thereafter proceed to issue notice to the other unrepresented parties, if any, and decide the revision petition in accordance with law.

January 14th, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No