

CWP-10724-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-10724-2018

Date of Decision: 14th January, 2019

Ram Chander & others

...Petitioners

Versus

Financial Commissioner, Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Jatinder Kumar, Advocate,
for the petitioner.

AUGUSTINE GEORGE MAS IH, J. (ORAL)

Petitioners have approached this Court challenging the order dated 22.03.2018 (Annexure P-1) passed by the Financial Commissioner, Haryana, order dated 17.10.2017 (Annexure P-2) passed by the Commissioner, Hisar Division, Hisar – respondent No.2, order dated 17.07.2017 (Annexure P-3) passed by the Collector, Hisar – respondent No.3 and order dated 05.10.2016 (Annexure P-4) passed by the Assistant Collector Ist Grade, Hisar, whereby, on the basis of the petition preferred by the private respondents, eviction of the petitioners has been ordered.

2. It is the contention of the learned counsel for the petitioners that in the application which has been preferred by the private respondents for eviction of the petitioners in Form 'L', a specific plea has been taken with regard to there being no relation of landlord and tenant. He further states that there is no document which would indicate that the petitioners had ever paid any rent/batai to the private respondents. His further

contention is that the opportunity has not been given to the petitioners for leading their evidence to substantiate the contentions as raised in the objection/reply filed to Form 'L', whereby, eviction of the petitioners was sought by the private respondents. He, thus, contends that the orders as passed by the revenue authorities have been impugned in the present writ petition cannot sustain.

3. I have considered the submissions made by the learned counsel for the petitioners and with his assistance have gone through the records of the case as well as the impugned orders.

4. During the course of hearing, it has come to light that the petitioners have preferred a civil suit with regard to the assertion that the petitioners are not tenants and that they have never paid any rent/batai to the private respondents. It has further been asserted that the civil suit is still pending and the declaration which has been sought by the petitioners is to the effect that they have become the owners of land measuring 22 kanal and 0 marla, which is the subject matter of the present writ petition as per jamabandi for the year 2008-09 situated in the revenue estate of village Mohabatpur, Tehsil Adampur, District Hisar. He contends that because of the pendency of the civil suit, the same is not being proceeded with by the Civil Court in the light of the fact that the present writ petition is pending. He contends that the petitioners are apprehensive that the Civil Court, in the light of the orders passed by the revenue authorities, would proceed to decide the civil suit against the petitioners.

5. These apprehensions of the petitioners are not acceptable to the

Court in the light of the fact that the findings recorded by the revenue authorities are not binding upon the Civil Court, however, it is for the Civil Court to consider and decide on the basis of evidence placed on record which could include the orders passed by the revenue authorities. This Court would not further comment upon this aspect as it is for the Civil Court to proceed and take a decision in accordance with law.

6. The orders as passed by the revenue authorities, especially the order passed by the Financial Commissioner, Haryana, dated 22.03.2018 (Annexure P-1) leave no scope for interference in the present writ petition as the rights of the petitioners have duly been protected in the light of outcome of the civil suit as it has been observed that if the petitioners succeed in the suit for declaration as tenants with occupancy rights, they would have a right to its restoration.

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

14th January, 2019
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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