

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

**202**

**CIVIL WRIT PETITION NO.20548 OF 2016  
DATE OF DECISION: FEBRUARY 11, 2019**

**Raghbir**

.....Petitioner

**VERSUS**

**Mohender and others**

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Kulbir Narwal, Advocate,  
for the petitioner.

Mr. Pradeep Prakash Chahar, DAG, Haryana,  
for the State-respondent Nos.1 to 5.

Mr. Ravinder Malik, Advocate,  
for respondent Nos.6 and 7.

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**AUGUSTINE GEORGE MASIH, J. (ORAL)**

On 15.10.2018, an effort was made by the Court so that the matter could be amicably settled between the co-sharers. In the said order, it was mentioned that the Financial Commissioner, Haryana, while deciding the revision petition has not given any reason whatsoever after recording the submissions of counsel for the parties and, therefore, it was a non-speaking order.

Since the matter could not be resolved amicably and keeping in view the fact that the Financial Commissioner, Haryana, vide order dated 17.10.2014 (Annexure P-11) has not dealt with the arguments, which have been raised by counsel for the parties, the said order cannot sustain and is

hereby set-aside.

Even if the argument of counsel for the petitioner that the Commissioner, Rohtak Division, Rohtak, did not have the jurisdiction to pass an order dated 27.09.2006 (Annexure P-9) is accepted, no appeal would be maintainable after the *sanad taksim* has been prepared and given effect to. Remedy of revision petition, in any case, was available before the respondents. Even the Financial Commissioner has the powers to suo-motu exercise the revisional jurisdiction. Therefore, the matter is remanded back to the Financial Commissioner, Haryana, with a direction to decide the case afresh on merits as early as possible.

The parties, through their counsel, are directed to appear before the Financial Commissioner, Haryana, on **25.02.2019**.

The writ petition stands disposed of accordingly.

**February 11, 2019**  
**khurmi**

**( AUGUSTINE GEORGE MASIH )**  
**JUDGE**

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