

CWP-29313-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-29313-2019

Date of Decision: 14th October, 2019

Bharat Singh

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Gagan Pradeep Singh, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 12.11.2018 (Annexure P-6) passed by the Financial Commissioner (Revenue), Haryana, whereby, revision petition preferred by the petitioner has been disposed of as infructuous in the light of the fact that the order of the Commissioner, dated 24.07.2014 (Annexure P-2) had been given effect to by the Collector prior to the passing of order of *status quo*. It has further been asserted that the matter was kept pending before the Financial Commissioner (Revenue), Haryana and ultimately, the Financial Commissioner, when ceased of the matter on 12.11.2018, proceeded to dispose of the matter having been so rendered infructuous.

It is the contention of the learned counsel for the petitioner that since the revision petition of the petitioner had been admitted by the Financial Commissioner, Haryana, vide order dated 31.08.2015, Financial

Commissioner should have proceeded to decide the said revision petition on merit, wherein, challenge was to the order of Commissioner, dated 24.07.2014. Merely because the order under challenge had been given effect to would not render the revision petition preferred by the petitioner infructuous.

This contention of the learned counsel for the petitioner cannot be accepted in the light of the fact that even before passing of the order of status quo by the Financial Commissioner (Revenue), Haryana, i.e. 31.08.2015, Collector, Bhiwani, had proceeded to implement the order of Commissioner, dated 24.07.2014 resulting in appointment of Kanwar Bhan as Lambardar of the village in place of the petitioner after the remand order. It goes without saying that the petitioner had the remedy of filing an appeal against the said order and therefore, could have availed of the same.

The impugned order, therefore, as passed by the Financial Commissioner (Revenue), Haryana, cannot be faulted with in the given facts and circumstances. No interference in the impugned order passed by the Financial Commissioner (Revenue), Haryana, is called for. The writ petition, therefore, stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

14th October, 2019
Harish

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