

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

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**CWP No.27375 of 2019
Date of Decision: 23.09.2019**

KuldeepPetitioner
Versus
Sub Divisional Officer,
Assistant Collector 1st Grade, Sonapat and othersRespondents

**CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. R.S. Malik, Advocate for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner is aggrieved against the order dated 22.08.2019 passed by the Assistant Collector First Grade, Sonapat, vide which an application filed by respondent No.4 under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (for short, “the CPC”) has been allowed.

It is submitted that respondent No.4 could not have been impleaded as a party because in a petition filed by the Gram Panchayat bearing CWP No.19646 of 2010 pertaining to the acquisition of the land, respondent No.4 had averred that khasra No.23/5 (8-0) is not under acquisition as it is a place of worship.

However, we have found that the impugned order is revisable in terms of Section 13-B(2) of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, “the Act”) as it is provided therein that the Commissioner may, *suo motu* or on an application made to him by any person aggrieved by an order passed under the provision to sub-section (1) of Section 7 at any time call for the record of any proceedings pending before, or order passed by, any authority subordinate to him for the purpose of satisfying himself as to the

legality or propriety of the proceedings or order and pass such order in relation thereto as he may deem fit. Provided that no order adversely affecting any person is to be passed unless opportunity of hearing is afforded.

Section 13-B(2) has two parts. The first part deals with the power of the Commissioner to pass an order *suo motu* or an application made by the aggrieved person in respect of the order passed under the proviso to Sub-Section (1) of Section 7 and the second part is in regard to revise the order passed in the pending proceedings by an authority subordinate to him.

Admittedly, the proceedings are pending before the Assistant Collector First Grade, Sonapat by whom the application under Order 1 Rule 10 CPC has been decided, therefore, as per Section 13-B(2), the said order is revisable at the instance of the petitioner, if so advised, by filing a revision petition before the Commissioner.

Faced with this observation, counsel for the petitioner prays for withdrawal of the petition to avail his remedy of revision as observed hereinabove.

Dismissed as withdrawn.

Liberty granted.

(RAKESH KUMAR JAIN)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

23.09.2019
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No