

CWP-29756-2019

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

CWP-29756-2019

Date of Decision: 30th October, 2019

Hardeep Singh & others

...Petitioners

Versus

Financial Commissioner (Appeals), Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. B.S. Bajwa, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 14.05.2019 (Annexure P-6) passed by the Financial Commissioner (Appeals), Punjab, order dated 15.05.2015 (Annexure P-5) passed by the Commissioner, Jalandhar and order dated 02.01.2012 (Annexure P-1) passed by the Assistant Collector 1st Grade, Gurdaspur, including the unregistered Will dated 26.09.2010 (Annexure P-7).

It is the contention of the learned counsel for the petitioners that the Sub Divisional Magistrate proceeded to sanction mutation on the basis of Will but the Collector, in appeal, proceeded to consider each and every aspect with regard to the Will and the admissibility thereof and on consideration of the same, has sanctioned the mutation not on the basis of the unregistered Will of deceased – Sohan Singh but as per the natural succession. He contends that the order as passed by the said authority had

to be accepted and no interference at all was called for at the stage of appeal and the revision petition should have been accepted by the Financial Commissioner (Appeals), Punjab, whereby, remand order of the Commissioner was required to be set aside. He, therefore, contends that the impugned orders cannot sustain and deserve to be set aside.

I have considered the submissions made by the learned counsel for the petitioners and with his assistance have gone through the impugned orders but do not find myself in agreement with the contentions as raised by him and am of the considered view that the revenue authorities have, on proper application of mind, come to a right conclusion that the matter need to be remanded back to the Collector for fresh decision by giving each of the parties their own share of time and opportunity to establish their particular rights and lead evidence in support of their respective claims.

No illegality has been found in the order which has been passed by the Financial Commissioner (Appeals), Punjab, accepting the order as has been passed by the Commissioner. No interference is called for in the present writ petition, therefore, the same, stands dismissed.

30th October, 2019
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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