

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 12150 of 2020 (O&M)
Date of Decision: 21st August, 2020

Nasib Singh and another

....Petitioners

VERSUS

State of Haryana and others

....Respondents

**CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN**

Present: Mr. Sandeep Singh Jattan, Advocate for the Petitioners.

Mr. Ankur Mittal, Additional Advocate General Haryana.

Dr. S. Muralidhar, J.

1. The challenge in the present petition is to an order dated 6th November, 2019 passed by the Financial Commissioner, Haryana rejecting the revision petition against the order dated 23rd January, 2019 passed by the learned Commissioner, Ambala Division, Ambala as well as the order dated 23rd January, 2014 passed by the Collector, Yamunanagar.

2. By the order dated 23rd January, 2014, the Collector dismissed the application filed by the Petitioners seeking restoration of the suits earlier filed by them under Section 13A of the Punjab Village Common Lands (Regulation) Act, 1961. By an order dated 12th April, 2007, the title suit filed by the Petitioners in 2007 was dismissed as withdrawn by the Collector, Yamunanagar on the statement given by Shri Phool Chand as well as the other Petitioners to the effect that mutation of the land in dispute has been entered in the name of Malkan and that they were not interested to proceed with the case further.

3. As rightly noted by the Financial Commissioner, Haryana in the impugned order, the Petitioners failed to show that the land in dispute had ever been mutated in the name of Malkan. No document or statement of Gram Panchayat pursuant to which the suits were withdrawn, could be produced to support the Petitioners' claim.

4. Even today, before this Court there is no plausible explanation for why the Petitioners waited for seven years after making a statement pursuant to which the suits were dismissed as withdrawn, to seek their restoration. In the circumstances, the Court is unable to find any error either in the order dated 23rd January, 2014 of the Collector or the order dated 23rd January, 2019 of the Commissioner, Ambala Division or the impugned order dated 6th November, 2019 of the Financial Commissioner, Haryana.

5. The petition is accordingly dismissed.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

21st August, 2020
jk

Whether speaking/reasoned Yes/No

Whether reportable Yes/No