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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.16965 of 2020
Date of decision: 15.10.2020

Milakh Raj

.....Petitioner(s)

V/s.

State of Punjab and others

.....Respondent(s)

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Jasinder Singh Thind, Advocate,
for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

Sanjay Kumar, J (Oral)

The petitioner was appointed as the Lamberdar of Village Chahlan Wali, Teshil and District Fazilka, on 18.07.2017. Aggrieved thereby, the fifth and sixth respondents herein filed appeals before the Commissioner, Ferozepur. By order dated 13.12.2019, these appeals were decided in their favour and the matter was remanded to the file of the District Collector, Fazilka, for consideration afresh. Aggrieved by this appellate order, the petitioner filed a revision before the Financial Commissioner, Revenue, Punjab, the second respondent herein. This revision was filed on 06.07.2020. The petitioner also filed an application therein seeking stay of the operation of the appellate order dated

13.12.2019. His grievance, presently, is that the revisional authority is not taking up the matter for hearing. In the meanwhile, the District Collector, Fazilka, acting upon the remand order scheduled the hearing of the case on 22.10.2020.

Mr. Navdeep Chhabra, learned Deputy Advocate General, Punjab, sought time to get instructions in the matter when the case came up for hearing on 14.10.2020.

Today, Mr. Navdeep Chhabra, learned Deputy Advocate General, Punjab, would inform this Court that instructions were issued on 11.08.2020 and 12.10.2020 by the Additional Chief Secretary-cum-Financial Commissioner, Revenue, Government of Punjab, that in every case where a party has urgency, the same can be brought to the notice of the jurisdictional Financial Commissioner by mentioning the same in writing and such matters should be taken up on the actual Court day, as per convenience. In the later instructions dated 12.10.2020, it was made clear that revenue judicial cases should be heard through Video Conference, or any other mode which is feasible, so that litigants were not put to any trouble.

As the petitioner's revision requires to be heard urgently and would be rendered infructuous if the District Collector, Fazilka, acts upon the remand order, it is not open to the Financial Commissioner, Revenue, the second respondent to keep the matter pending indefinitely. If he is unable to dispose of the main revision, priority would have to be given to the stay application filed therein by the petitioner as a *fait accompli* may emerge otherwise and render the revision redundant.

This Court does not deem it necessary to put the unofficial respondents on notice or afford them an opportunity of hearing at this stage, as the revision filed by the petitioner has to be dealt with in the first instance. Further, it is made clear that this Court has not gone into the merits of the matter or even ventured an opinion thereon.

The writ petition is accordingly disposed of directing the Financial Commissioner, Revenue, Punjab, the second respondent, to take up the petitioner's revision in ROR No.365 of 2020 and dispose of the same on merits within six weeks. In the meanwhile, the revisional authority shall deal with the stay application filed therein and dispose of the same on merits and in accordance with law within two weeks from the date of receipt of a copy of this order.

The revisional authority shall follow the due procedure and afford an opportunity of hearing to all parties concerned.

Pending disposal of the said stay application, the proceedings before the District Collector, Fazilka, shall remain in abeyance.

No order as to costs.

(SANJAY KUMAR)
JUDGE

15.10.2020

rakesh

whether speaking/non speaking

: Yes/no

whether reportable/non reportable

: Yes/no