

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.101

CWP-29592-2018 (O&M)

Date of decision : 5.2.2020

Jatinder Singh and another

..... Petitioners

VERSUS

The Financial Commissioner Punjab, Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Ms. Kiranjeet Kaur, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

The petitioners seek quashing of order dated 25.4.2014, whereby, sanad takseem has been ordered to be prepared as well as order dated 10.2.2014, whereby, naksha bey and naksha jeem have been sanctioned.

The contention of learned counsel for the petitioners is that the petitioners were not served and that they did not get sufficient time to file objections to naksha bey and naksha jeem.

The contention is misconceived. A perusal of the zimni orders of the Court of Assistant Collector, First Grade, Arniwala shows that the petitioners were summoned through summons sent by registered post. However, the summons were received back unserved as the petitioners were not residing at the given address. Consequently, they were directed to be served through publication. Post publication, the petitioners appeared on 17.1.2014 and file their written statement. Time was sought for filing objections to the naksha bey and naksha jeem. Three adjournments were granted for filing of objections, however, the petitioners failed to file the

same and consequently, the Assistant Collector, First Grade sanctioned the naksha bey and naksha jeem on 10.2.2014. Thus, it is apparent that adequate opportunity was granted to the petitioners to file their objections, but they failed to do so.

Thereafter, sanad takseem was challenged by way of revision petition filed before the Financial Commissioner, in which initially, a stay was granted. Ultimately, the revision petition was dismissed as no error was found in the partition proceedings. The order of the learned Financial Commissioner is non-speaking to say the least. However, no useful purpose would be served by setting the order aside and remanding the case as the issues of non-service and lack of opportunity to file objections have been examined by this Court.

Since, the petitioners had appeared before the naksha bey and naksha jeem were sanctioned and they did not file objections thereto despite three opportunities having been granted to them, they cannot submit that adequate opportunity was not granted.

The writ petition has no merit and is accordingly, dismissed.

(SUDHIR MITTAL)
JUDGE

5.2.2020

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No