

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

Sr. No.121

CWP-279-2021 (O&M)
Date of decision : 08.07.2021

Charanjit Singh

..... Petitioner

VERSUS

The Financial Commissioner, Revenue, Punjab and others .. Respondents

CWP-323-2021 (O&M)

Charanjit Singh

..... Petitioner

VERSUS

The Financial Commissioner, Revenue, Punjab and others .. Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Kanhiya Soni, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner has challenged order dated 21.2.2018 passed by the learned Financial Commissioner, Revenue, Punjab. Vide the said order, the revisions preferred against order dated 23.5.2016 passed by the Commissioner, Jalandhar Division have been dismissed. The learned Commissioner had accepted the revisions filed before him and had remanded the case to the Court of Assistant Collector, First Grade, Amritsar-I, for a fresh decision after affording reasonable opportunities of hearing. The said revisions were preferred by the petitioner against order dated 7.8.2012 passed by the Collector, Sub-Division, Amritsar-I, dismissing the appeal filed before him against order dated 30.11.2010 passed by the Tehsildar-cum-Assistant Collector, First Grade, Amritsar-I. Vide the said order, the partition case had been decided.

The grievance of the petitioner is that rasta through land of Karnail Singh had been granted to the co-sharers without hearing him (being the legal heir of Karnail Singh), Karnail Singh having passed away before the date of the order.

A perusal of the order passed by the learned Financial Commissioner shows that before passing order dated 30.11.2010, the Assistant Collector, First Grade had visited the spot and the petitioner was present at the time. Thus, it was not necessary to grant an opportunity of hearing to him and to delay the partition proceedings.

Further, the order under challenge is dated 21.2.2018. The writ petition is dated 15.11.2020. It is, thus, hit by the principle of delay and laches. Had the petitioner been really aggrieved by grant of rasta through his land, he would approach this Court promptly.

For the aforementioned reasons, the writ petition has no merit and is dismissed.

A photocopy of this order be placed on the file(s) of the other connected case(s).

(SUDHIR MITTAL)
JUDGE

08.07.2021

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No