

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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Date of Decision: September 15, 2022

LPA-146-2022 &
CM-358-LPA-2022 & CM-359-LPA-2022

ROSHNI DEVI
Versus
...APPELLANT

STATE OF HARYANA AND OTHERS
...RESPONDENTS

WITH LPA-157-2022 &
CM-388-LPA-2022 CM-389-LPA-2022

SUMAN DEVI
Versus
...APPELLANT

STATE OF HARYANA AND OTHERS
...RESPONDENTS

WITH LPA-158-2022 &
CM-390-LPA-2022 & CM-391-LPA-2022

SUMAN DEVI
Versus
...APPELLANT

STATE OF HARYANA AND OTHERS
...RESPONDENTS

WITH LPA-147-2022 &
CM-360-LPA-2022 & CM-361-LPA-2022

SUMAN DEVI
Versus
...APPELLANT

STATE OF HARYANA AND OTHERS
...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI
HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Ishnoor Singh, Advocate,
and Mr. Divyam Singh, Advocate,
for Mr. Vikram Singh, Advocate,
for the appellant(s).

Mr. Deepak Bhardwaj, DAG, Haryana,
for respondents No. 1 to 3.

Mr. Rajesh Duhan, Advocate,
for the private respondents.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of the learned counsel for the appellants that the learned Single Judge has proceeded to dispose of the writ petition by observing that the order passed by the Collector in appeal, whereby the application of the respondents has been accepted, is revisable.

Learned counsel for the appellants has referred to Section 13, proviso thereto, to contend that no revision would be maintainable against the order passed by the appellate authority. He, on this basis, contends that the appeal itself would not be maintainable and, therefore, the said order passed by the Collector is unsustainable.

The said aspect, on merits of the case, has not been gone into by the learned Single Judge in the light of the fact that there is an appropriate remedy available to them under Section 16 of the Haryana Land Revenue Act, 1887. The judgment, therefore, passed by the learned Single Judge cannot be said to be illegal. We, therefore, uphold the same and relegate the appellants to avail of their remedy in accordance with law.

Learned counsel for the appellants has contended that time spent by the appellants in pursuing their remedy of writ as well as the present appeal may not be taken into consideration by the revisional authority while entertaining the revision petition.

In case an appropriate application is filed by the appellants before the competent revisional authority, the same shall be considered and the period spent by the appellants in pursuing their remedy of writ as well as the present appeal shall be considered sympathetically to be condoned.

Appeals stand disposed of accordingly.

In view of the disposal of the main cases, all pending applications have been rendered infructuous and the same are disposed of as such.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**(ALOK JAIN)
JUDGE**

September 15, 2022
pj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No