

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

Sr. No.113

**CWP-23215-2021 (O&M)
Date of decision : 08.03.2022**

Dharamender

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Bhunesh Lakhera, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

This case relates to appointment of Chowkidar in village Kanhori. The Collector appointed respondent No.6 vide order dated 07.09.2021 and the writ petition has been preferred against the said order.

Learned counsel for the petitioner was asked to explain, why, an appeal could not be filed under the Punjab Land Revenue Act, 1887 (hereinafter referred to as the Act) as Section 13 thereof provides an appeal against any order passed by a revenue official. The Collector is a revenue official.

Learned counsel for the petitioner has relied upon a judgment dated 09.11.1970 passed in CWP-2806-1970 titled as Badlu Vs. the State of Haryana and others to argue that appeal is a creature of the statute and if, statute does not provide therefor, the same cannot be filed.

It is a settled proposition of law that an appeal can only be filed, if, the statutes provide for it. In this case, even though, the relevant Chowkidara Rules do not provide for an appeal, an appeal can still be filed under Section 13 of the Act as the Collector, who has passed the impugned order is a revenue official too. The judgment Badlu (supra) only reiterates

does not consider the aspect of maintainability of an appeal under the general law i.e. the Act.

In view of above, the writ petition is not maintainable and is accordingly, dismissed. The petitioner may, however, file an appeal against the impugned order and in case, he does so within two weeks from today, delay in filing the same will be condoned.

(SUDHIR MITTAL)
JUDGE

08.03.2022
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No