

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

Sr. No.101

**Civil Writ Petition No.26770 of 2019
Date of Decision : September 07, 2022**

Raj Rani and others

...Petitioners

Versus

Financial Commissioner (Revenue) Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. G.L. Bajaj, Advocate, for the petitioners.

SUDHIR MITTAL, J. (ORAL)

Two separate partition applications were filed which were finalized by one order. Dissatisfied, the petitioners filed an appeal thereagainst but without success. Further, revision also failed. A revision under Section 16 of the Punjab Land Revenue Act, 1887 (hereinafter referred to as the Act) was filed before the Financial Commissioner which was allowed vide order dated 10.02.2003 and the matter was remanded for a fresh decision. After remand, the Assistant Collector Ist Grade Malout passed final order dated 30.01.2006 against which an appeal was filed and the matter was remanded. Post remand, order dated 04.04.2013 was passed which has been upheld by dismissal of further appeal and revisions. Thus, the present writ petition has been filed.

Learned counsel for the petitioners has submitted that vide order dated 10.02.2003 passed by the Financial Commissioner certain directions had been given. Post remand, the said directions were not

complied with. Thus, order dated 04.04.2013 passed by the Assistant Collector Ist Grade Malout was illegal. Non-interference therewith by the Appellate and Revisional Authorities is erroneous. He places reliance upon ***Balbir Singh vs. State of Punjab etc. 2009 (51) R.C.R. (Civil) 249.***

A perusal of the order dated 10.02.2003 shows that after finding certain illegalities in the partition, the Financial Commissioner held that the interest of justice would be served if the matter was remanded for conducting fresh partition from the stage after mode of partition. Thus, the submission that certain directions were to be complied with is fallacious. It is not the case of the petitioners that procedure prescribed after the mode of partition has not been followed. The judgment in ***Balbir Singh (supra)*** is not attracted as it only says that the Financial Commissioner has revisional jurisdiction to examine the legality of sanad takseem under Section 16(1) of the Act.

In view of the above findings, the orders impugned in the writ petition cannot be interfered with. The writ petition is dismissed.

September 07, 2022

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No