

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

208

LPA No.1885 of 2017 (O&M)
Date of Decision: October 14th, 2022

Jasvir Singh and others

...Appellants

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Munish Gupta, Advocate
for the appellants.

Mr. Vishnav Gandhi, Deputy Advocate General, Punjab.

Mr. Surender Dhull, Advocate
for respondents No.3 to 11.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgment dated 05.09.2017 passed by the learned Single Judge, whereby the order passed by the Financial Commissioner rejecting the revision petition of the appellants-petitioners on the ground that an appeal is maintainable before the Collector followed by a revision before the Commissioner.

2. Learned counsel for the appellants has pointed out that there is no remedy of appeal against the order of the Assistant Collector 1st Grade nor are the powers upon the Commissioner conferred of the Revisional Court. The said power specifically is available under Section 16 (1) of the Punjab Land Revenue Act, 1887 with the Financial Commissioner, which remedy was availed of by the appellants-petitioners but the Financial Commissioner wrongly proceeded to reject the same vide order dated 21.08.2017 (Annexure P-1).

3. Counsel for the State as well as the counsel for the private respondents could not dispute the factual assertion which is based upon the

statutory provisions.

4. In the light of the above, the present appeal is allowed.
5. Order dated 21.08.2017 (Annexure P-1) passed by the Financial Commissioner, Punjab, as also the judgment dated 05.09.2017 passed by the learned Single Judge are set aside.
6. The case is remanded to the Financial Commissioner, Punjab, for fresh decision in accordance with law.
7. Parties to appear before the Financial Commissioner, Punjab, on **03.11.2022 at 10:00 AM.**
8. The Financial Commissioner is requested to decide the said revision petition within a period of four months from the date of appearance of the parties.
9. In the light of the decision of the appeal, pending applications stand disposed of as infructuous.

(AUGUSTINE GEORGE MASIH)
JUDGE

October 14th, 2022
Puneet

(ALOK JAIN)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No