

CWP-4194-2019

231

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CWP-4194-2019 (O&M)

Mahinder Partap BathlaPetitioner

versus

Financial Commissioner and othersRespondents

2. CWP-12012-2019

Mahinder Partap Bathla and anotherPetitioners

versus

Financial Commissioner and othersRespondents

Date of decision : 20.12.2023

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Kuljit Singh, Advocate for
Mr. C.M. Munjal, Advocate
for the petitioner(s) in both the cases.

Mr. Arun William, A.A.G., Punjab.

Mr. S.P.S. Tinna, Advocate
for respondent No.4 in CWP-4194-2019 and
for respondents No.6 and 7 in CWP-12012-2019.

None for respondents No.6, 8 & 9 in CWP-12012-2019.

Mr. Sherry K. Singla, Advocate
for respondent No.13 in CWP-12012-2019.

RAJESH BHARDWAJ, J. (Oral)

By this common order I intend to dispose of abovesaid two petitions, which are interconnected and relate to the common issue.

CM-8939-2023 in CWP-4194-2019

Present application has been filed for placing on record copies of sale deeds as Annexure R-4/8.

For the reasons mentioned in the application, same is allowed. Annexure R-4/8 is taken on record subject to all just exceptions.

Main cases

Present civil writ petition i.e. CWP-4194-2019 has been filed under Articles 226/227 for issuance of writ in the nature of mandamus directing the respondents No.1 and 2 to take immediate and prompt action on the complaint dated 16.08.2018 (Annexure P-8) filed by the petitioner against respondent No.3, upon which the respondent No.1 has marked the enquiry to respondent No.2 dated 27.09.2018 (Annexure P-9) and respondent No.2 is sitting over the matter and is not initiating the enquiry and is also not taking the final decision despite the fact that petitioner has already appeared in the enquiry.

On the other hand, through CWP-12012-2019, petitioners pray for issuance of direction to respondents No.1 and 14 to initiate the departmental and criminal proceedings against respondents No.4 to 13 with regard to the role of revenue officials, involvement of police officials and false implication of petitioners at the instance of officials and private respondents while dealing with the partition application under the provisions of Punjab Land Revenue Act.

Learned State counsel has produced the order dated 13.09.2023 passed by the Financial Commissioner, Punjab, Chandigarh in ROR No.907 of 2018.

Learned counsel for respondents have submitted that the present petitions were filed praying for issuance of the writ in the nature of mandamus. He has submitted that during the pendency of the present petitions, the revision petition filed by the petitioners have been dismissed by the learned Financial Commissioner i.e. respondent No.1 vide his order dated 13.09.2023. He has submitted that after the passing of the order in the revision petition, the petitioner has fresh cause of action and as such for the redressal of his grievances, he has to avail his remedies against the order dated 13.09.2023. He has submitted that hence, the present petitions are not maintainable, in view of the order dated 13.09.2023, passed by the learned Financial Commissioner.

Learned counsel for the petitioner has agreed to the above facts and has submitted that he be granted the liberty to avail his remedies of assailing order dated 13.09.2023 passed by respondent No.1 after filing of these petitions.

On hearing the learned counsel for the parties, the present petitions are disposed of in view of the submissions made by the learned counsel for the parties especially when the learned Financial Commissioner has dismissed the revision petition filed by the petitioner vide his order dated 13.09.2023. However, the petitioner(s) would be at liberty to avail his further remedies as available to him in accordance with law.

Both the petitioners are disposed of in above mentioned terms.

20.12.2023
ps-I

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No