

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-5185-2023

Date of decision : 10.04.2023

Jai Bhagwan and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Shekhar Verma, Advocate
for the petitioners.

Ms.Upasana Dhawan, AAG, Haryana
for respondents no.1 to 3.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of Sanad Takseem dated 02.08.2019 (Annexure P-20) rendered by the Assistant Collector Ist Grade-cum-Tehsildar, Rohtak, Haryana as well as order dated 12.01.2022 (Annexure P-24) passed in appeal-cum-revision by the Divisional Commission, Rohtak Division, Haryana.

Learned State Counsel appearing on behalf of respondent nos.1 to 3 has raised preliminary objections with respect to the maintainability of the present civil writ petition and has submitted that since, the partition proceedings were initiated in the year 2012 i.e., prior to the amendment dated 10.04.2017 in Section 16 of the Punjab Land Revenue Act, 1887 (as applicable to Haryana), thus, after issuance of Sanad Takseem, the revision would still lie before the Financial Commissioner, Haryana. She has

referred to the order dated 12.05.2017 passed by a Coordinate Bench of this Court in CWP-10182-2017 titled as *Smt. Rajesh and others Vs. State of Haryana and others*, judgment dated 21.11.2022 passed by a Coordinate Bench of this Court in *CWP-19481-2022* titled as *Ramesh Vs. State of Haryana and others* as well as judgment passed by a Coordinate Bench of this Court in *Ram Gopal Vs. State of Haryana and others*, reported as *2009(11) RCR (Civil) 336*.

Learned counsel for the petitioners has submitted that in view of the statement made by learned State counsel, he wishes to withdraw the present petition with liberty to file a revision petition under Section 16 of the Punjab Land Revenue Act, 1887 (as applicable to Haryana).

In view of the above, the present petition is dismissed as withdrawn with liberty to the petitioners to file an appropriate petition before the Financial Commissioner challenging the Sanad Takseem as well as the other orders.

(VIKAS BAHL)
JUDGE

April 10, 2023

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No