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

CWP-5117-2023

Date of decision : 15.03.2023

Joginder Kaur @ Juginder Kaur and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vikas Chatrath, Advocate for the petitioners.

Ms. Upasana Dhawan, AAG, Haryana
for respondent No.1.

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 setting aside the orders dated 05.03.2020 (Annexure P-6), 22.07.2020 (Annexure P-7), 20.08.2020 (Annexures P-9 and P-10) and 28.04.2021 (Annexure P-12).

Learned State Counsel has submitted that in the present case, since, the proceedings have been initiated after amendment in the year 2017, thus, it would be the Commissioner which would be the appropriate authority before whom a revision can be filed after the issuance of sanad takseem and the said fact has also been noticed by the Financial Commissioner, Haryana in its order dated 28.04.2021 while observing that

the revision petition is not maintainable before the Financial Commissioner and same is maintainable before the Divisional Commissioner. It is further submitted that the provisions of Section 16 of the Punjab Land Revenue Act, 1887 governing revisional power of the Commissioner are similar to the revisional power of the Financial Commissioner prior to the amendment.

Learned counsel for the petitioners has submitted that in view of the same, he seeks permission of this Court to withdraw the present Civil Writ Petition with liberty to file a revision petition before the Commissioner challenging the impugned orders. It is stated that since, the petitioners were pursuing the remedy before the Financial Commissioner and before this Court and had also applied for the certified copy of the zimni orders thus, the revision petition before the Commissioner be not dismissed on the ground of limitation.

Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is dismissed as withdrawn with liberty to file a revision petition before the Divisional Commissioner within a period of one month from today.

It is made clear that in case, the petitioners file revision petition within a period of one month from today, then the Commissioner would not dismiss the same on the ground of limitation and would consider the same independently on merits, in accordance with law.

15.03.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**