

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

(264)

CWP-7143-2021

Date of decision: - 02.05.2023

Sangram Singh and others

....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ashish Aggarwal, Senior Advocate
with Mr. Vishal Pundir, Advocate,
for the petitioners.

Mr. Rajneesh Chadwal, AAG, Haryana
for respondents No.1 to 3.

VIKAS BAHL, J. (ORAL)

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of writs in the nature of certiorari, mandamus, prohibition for quashing the impugned order dated 18.02.2021 (Annexure P-11) passed by respondent No.2.
2. On 21.04.2023, this Court was pleased to pass the following order: -

“Learned State counsel has submitted that against the order dated 18.02.2021 (Annexure P11), there is an alternative remedy under Section 18(4) of the The Haryana Ceiling on Land Holdings Act, 1972.

Learned counsel for the petitioners prays for an adjournment to get instructions in the matter.

Adjourned to 02.05.2023.

To be taken up 1.45 PM.

April 21, 2023

***(VIKAS BAHL)
JUDGE”***

3. Learned Senior counsel for the petitioners has submitted that in the present case, since the impugned order is an interim order passed by the Collector, not as a prescribed authority but while exercising the powers of the appellate authority and thus, the only alternative remedy available with the petitioner is to file a revision petition under Section 18(6) of The Haryana Ceiling on Land Holdings Act, 1972 before the Financial Commissioner. It is further submitted that at the relevant time, the Financial Commissioner was not holding the Court and therefore, the petitioner had filed the present writ petition.

4. On 26.03.2021, a Co-ordinate Bench of this Court was pleased to pass the following order: -

“The prayer in this writ petition inter alia is for quashing the impugned order dated 18.02.2021 (P11) passed by the Collector.

Learned senior counsel submits that respondents No.4&5 had filed an appeal in the year 2011 whereas before filing the appeal, the order dated 05.07.2011 (P3) was passed. He further submits that on 27.01.2021, the respondents No.4&5 had withdrawn the appeal. However, the State filed an appeal and rather than passing any order on the appeal of the State, orders have been passed to revive the appeal which was withdrawn by respondents No.4 & 5 after amicable settlement. The order thus, according to the petitioner, has fallen to error.

Notice of motion.

On the asking, Mr. Amit Aggarwal, DAG Haryana accepts notice through video conferencing.

List on 03.08.2021.

Reply, if any, be filed a week prior to the date fixed with

advance copy to the counsel opposite.

In the meantime, the Collector, Karnal is directed to grant a date beyond the date fixed by this Court.

26.03.2021

**(Girish Agnihotri)
Judge”**

5. Learned Senior counsel for the petitioners has submitted that the petitioners seeks to withdraw the present writ petition with liberty to file a revision petition before the Financial Commissioner within a period of one month from today, in accordance with law, but has prayed that the interim relief granted by Co-ordinate Bench of this Court vide order dated 26.03.2021 be continued till the time the Financial Commissioner decides the said revision petition.

6. Keeping in view the above-said facts and circumstances, the present writ petition is dismissed as withdrawn, with the liberty to the petitioners to file a revision petition before the Financial Commissioner within a period of one month from today.

7. In case any such revision petition is filed by the petitioners, within the period of one month from today, the Financial Commissioner is directed to decide the same as expeditiously as possible and the interim relief granted by Co-ordinate Bench of this Court, vide order dated 26.03.2021 would continue to operate till the time the said revision petition is decided by the Financial Commissioner.

8. It is made clear that the grant of interim order should not be construed as an expression of opinion on the merits of the case and the Financial Commissioner would decide the matter independently, in accordance with law, after hearing all the concerned parties.

9. It is also made clear that in case a revision petition is not filed by the petitioners within a period of 30 days from today, then, the interim relief granted by Co-ordinate Bench of this Court, vide order dated 26.03.2021 would stand vacated.

May 02, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No