

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

Date of decision : 17.03.2023

1.

CWP-5143-2023

Manjit Chauhan

... Petitioner

Versus

Financial Commissioner Revenue (Appeals), Punjab and others

... Respondents

2.

CWP-5263-2023

Manjit Chauhan

... Petitioner

Versus

Financial Commissioner Revenue (Appeals), Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Amandeep Saini, Advocate
for the petitioner(s).

Mr.Ferry Sofat, Additional Advocate General, Punjab

Mr.Mahipal S.Yadav, Advocate
for respondent no.4 in CWP-5143-2023.

Mr.Sunny K. Singla, Advocate
for the caveator-respondent no.4 in CWP-5263-2023.

VIKAS BAHL, J.(ORAL)

This order will dispose of two writ petitions i.e., CWP-5143-2023 and CWP-5263-2023 titled as “Manjit Chauhan vs. Financial Commissioner Revenue (Appeals), Punjab and others” filed by the same petitioner against the impugned order dated 30.11.2021 passed by respondent no.3 and the impugned order dated 02.02.2023 passed by

respondent no.1 vide which the order dated 16.06.2021 passed by the Collector has been set aside.

The petitioner was appointed as Lambardar by the Collector vide order dated 16.06.2021 and the appeal filed by Jasvir Singh and Avtar Chand against the said order, was allowed and the matter was remanded to the Collector for fresh decision. The petitioner had filed two revisions against the same and both the said revisions were dismissed. Aggrieved against the same, the petitioner has filed present writ petitions.

During the course of the arguments, learned counsel appearing for the petitioner as well as respondent no.4 Avtar Chand and Jasvir Singh, have reached a consensus and have jointly submitted that the impugned order dated 30.11.2021, order dated 02.02.2023 and the proceedings which have been initiated subsequent to the order of the Commissioner be set aside and the Commissioner be directed to decide the case afresh.

Keeping in view the above said facts and circumstances and also on the basis of joint prayer made by the learned counsels, the present petitions are partly allowed and the order dated 30.11.2021, order dated 02.02.2023 and the proceedings which have been initiated subsequent to the order of the Commissioner, are set aside with the following directions:-

- i) The petitioner and Avtar Chand as well as Jasvir Singh are directed to appear before the Commissioner on 28.03.2023.
- ii) Respondent no.3-Commissioner would decide the appeal afresh after giving an opportunity of hearing to all the concerned persons, in accordance with law.
- iii) It would be open to all the candidates to raise all pleas as are available to them in law.

iv)The Commissioner is directed to decide the appeals filed by
Avtar Chand and Jasvir Singh within a period of two months
from 28.03.2023.

It is made clear that this Court has not opined on the merits of
the case and the Commissioner would decide the case independently, in
accordance with law.

(VIKAS BAHL)
JUDGE

March 17, 2023
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No