

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(119)

CWP-5482-2023

Date of decision: - 17.03.2023

Rajinder Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Santosh Sharma, Advocate
for the petitioner.Ms. Upasana Dhawan, AAG, Haryana
for respondents No.1 to 3.

VIKAS BAHL, J. (ORAL)

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the impugned order dated 23.11.2021 (Annexure P-13), passed by the Commissioner, Gurugram.

Learned State counsel appearing on behalf of respondents Nos.1 to 3 has raised preliminary objections with respect to the maintainability of the present writ petition and has submitted that since, the present partition proceedings were initiated in the year 2008 i.e., prior to the amendment dated 10.04.2017 in Section 16 of the Haryana Land Revenue Act, 1887, thus, even after issuance of *sanad takseem*, the revision would 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 petitioner, in view of the above-said statement of learned State counsel, seeks to withdraw the present writ petition with liberty to file a revision petition before the Financial Commissioner.

Dismissed as withdrawn, with the aforesaid liberty.

It is made clear that this Court has not opined on the merits of the present case and in case, any such petition is filed, then the Financial Commissioner would consider the same independently, on its merits, in accordance with law.

March 17, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No