

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-11148-2023

Date of decision : 24.05.2023

Kulbir Singh

... Petitioner

Versus

The Financial Commissioner, Revenue, Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Beant Singh Seemar, Advocate
for the petitioner.

Mr.Ferry Sofat, Addl.A.G. Punjab
for respondents no.1 to 4.

Mr.Sherry K. Singla, Advocate
for respondent no.5.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in nature of certiorari for quashing the order dated 20.04.2023 (Annexure P-4) passed by the Financial Commissioner (Appeals), Punjab and also the order dated 06.05.2022 passed by the Commissioner vide which the matter has been remanded.

2. Learned counsel for the petitioner has submitted that the petitioner had filed a review application before the Financial Commissioner and the said review application is pending for preliminary hearing for 01.06.2023. It is further submitted that the Collector in the meanwhile is proceeding with the matter. It is prayed that the Financial Commissioner be

directed to take up the said review application on 01.06.2023 and to consider passing appropriate orders after taking up the matter for preliminary hearing.

3. Learned counsel for respondent no.5 has submitted that the case before the Collector is now fixed for 05.07.2023. It is further submitted that in the review application, the only contesting party is respondent no.5. It is stated that respondent no.5 would also appear on 01.06.2023 and on any other date, which would be fixed by the Financial Commissioner and would be prepared to argue the review application itself and a direction be issued to the Financial Commissioner to decide the review application.

4. Learned State counsel has submitted that every endeavour would be made by the Financial Commissioner to decide the review application either on 01.06.2023 or within a period of one month from 01.06.2023 i.e., upto 01.07.2023.

5. Learned counsel for the petitioner has submitted that the said statement satisfies the claim of the petitioner, at this stage.

6. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to respondent no.2 to decide the review application no.8 of 2023 filed in ROA no.43 of 2022, on 01.06.2023 or within a period of one month from 01.06.2023 therefrom i.e., up till 01.07.2023. Respondent no.5 through his counsel is also permitted to appear before the Financial Commissioner and the Financial Commissioner would decide the review application after hearing both the counsel for the petitioner as well as counsel for respondent no.5.

7. Needless to clarify that review application would be decided independently and without taking into consideration the observation made

specifically observed that rejection of stay would have no bearing on the main review petition.

8. It is made clear that this Court has not opined on the merits of the case and respondent no.2 would decide the review application independently, in accordance with law.

(VIKAS BAHL)
JUDGE

May 24, 2023
Davinder Kumar

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