

CWP-15669-2017 (O&M) and
CWP-15670-2017 (O&M)

-1- 2023:PHHC:044287

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

(215)

1. CWP-15669-2017 (O&M)

Jaipal and othersPetitioners

Versus

State of Haryana and othersRespondents

2. CWP-15670-2017 (O&M)

SantoshPetitioner

Versus

State of Haryana and othersRespondents

Date of decision: - 24.03.2023

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Vijay Kumar Jindal, Senior Advocate
with Mr. Pankaj Gautam, Advocate
for the petitioners.

Ms. Upasana Dhawan, AAG, Haryana.

Mr. S.K. Garg Narwana, Senior Advocate
with Mr. Vishal Garg Narwana, Advocate
and Mr. Nitin Sachdeva, Advocate
for respondents No.25, 27, 28 in CWP-15669-2017 and
for respondents No.31, 32, 33, 34 in CWP-15670-2017.

Mr. Amit Jain, Advocate
for respondents No.45 in CWP-15669-2017
and for respondents No.48 in CWP-15670-2017.

Mr. Suman Jain, Advocate;
Mr. Man Mohan, Advocate
and Mr. Gaurav G.S. Chauhan, Advocate
for respondents No.2 to 4 & 41 to 47 in CWP-15670-2017
and for respondents No.4 to 7 & 38 to 44
in CWP-15669-2017.

Mr. Kulbhushan Sharma, Advocate
and Mr. Abhishek Sharma, Advocate
for respondent No.29 in CWP-15669-2017
and for respondent No.39 in CWP-15670-2017.

VIKAS BAHL, J. (ORAL)

This order shall dispose of two writ petitions bearing CWP-15669-2017 and CWP-15670-2017, in which, the challenge is to the order dated 18.05.2017 (Annexure P-9) passed by respondent No.1 as well as order dated 07.08.2014 (Annexure P-8) passed by respondent No.2 and order dated 26.10.2012 (Annexure P-4) passed by the Assistant Collector 1st Grade.

A perusal of the impugned order dated 18.05.2017 (Annexure P-9) passed by the Financial Commissioner would show that although several arguments raised by both the sides were noticed, but the case has been decided solely on the ground that *sanad takseem* had been issued on 05.09.2014, whereas, ROR has been filed on 08.09.2014. It is a matter of settled law that even after preparation of *sanad takseem*, a revision petition would lie before the Financial Commissioner.

During the course of arguments, all the learned counsels appearing for the parties are *ad idem* that the order dated 18.05.2017 (P-9) passed by the Financial Commissioner, Haryana, be set aside and the petitioners be granted an opportunity to amend the revision petition filed by them by challenging the *sanad takseem* dated 05.09.2014 before the Financial Commissioner, Haryana and pray for a period of two weeks from today to do the same and have further jointly prayed that the

Financial Commissioner, Haryana be directed to decide the case on merits after considering the arguments of all the parties concerned independently, in accordance with law.

Keeping in view the above-said facts and circumstances and also the joint prayer made by learned counsels for the parties, the present writ petitions are partly allowed in the following terms: -

- (i) The impugned order dated 18.05.2017 (Annexure P-9) passed by the Financial Commissioner, Haryana is set aside.
- (ii) All the parties are directed to appear before the Financial Commissioner, Haryana on 29.03.2023.
- (iii) Petitioners appearing before the Financial Commissioner, Haryana are granted opportunity to move an application for amendment of the revision petition so as to challenge the *sanad takseem* dated 05.09.2014 within a period of two weeks from today.
- (iv) The Financial Commissioner, Haryana, is directed to decide the case on merits after considering the arguments of the parties in accordance with law within a period of two months from 29.03.2023.

Pending applications, if any, stand disposed of in view of the above-said order.

March 24, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No