

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-13976-2018(O&M)
Date of decision : 20.02.2023

Ashok Kumar

... Petitioner

Versus

Financial Commissioner, Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Jagdish Manchanda, Advocate for the petitioner.

Mr.Rajneesh Chadwal, AAG, Haryana.

Mr.Ajay Jain, Advocate for respondent no.6.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 07.05.2018 passed by respondent no.1-Financial Commissioner, Haryana and order dated 04.09.2015 passed by respondent no.2 and order dated 20.01.2014 passed by respondent no.3-Collector as well as order dated 22.05.2013 passed by the Assistant Collector IInd Grade, Radaur.

On 15.02.2023, this Court was pleased to pass the following order:-

“Learned counsel for respondent no.6 has pointed out that in the present case, the Naksha Be was accepted by the Assistant Collector IInd Grade vide order dated 22.05.2013(Annexure P-1) and the present petitioner had not filed any appeal against the same and the appeal was only filed by respondent no.6 which was dismissed. It is submitted that even further appeal before the

Commissioner was not filed by the petitioner and was only filed by respondent no.6 which was also dismissed. It is stated that thereafter without having filed the said appeals, a revision was straightaway filed by the petitioner before the Financial Commissioner which has also been dismissed. It is argued that once the petitioner has not filed any appeal challenging the acceptance of Naksha Be, then the same cannot be challenged before the Financial Commissioner or before this Court and the writ petition deserves to be dismissed on the said ground alone. Learned counsel for the petitioner prays for a short adjournment to get instructions and to assist the Court.

Adjourned to 20.02.2023.

To be taken up at 03:00 PM.

February 15, 2023.

Learned counsel for the petitioner seeks to withdraw the present petition with liberty to file an appeal against Naksha Be before the Collector.

Learned counsel for the respondents have stated that the said appeal would also not be maintainable.

In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn. Liberty is granted to the petitioner to seek any alternate remedy, in accordance with law.

It is made clear that this Court has not opined on the question of maintainability or otherwise, on any such proceedings and in case the said proceedings are filed, the same would be decided independently, on merits, in accordance with law.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

February 20, 2023

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No