

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

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**CWP-18056-2017 (O&M)
Date of decision: 24.02.2023**

GURDEEP VIRK

.....Petitioner

VERSUS

**FINANCIAL COMMISSIONER {DB-II} HARYANA
CHANDIGARH & ORS**

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Animesh Sharma, Advocate
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

Mr. Balbir Kumar Saini, Advocate
for respondents No. 9, 10, 15, 57 & 59 (i) (ii).

Mr. Mandeep Sidhu, Advocate for
Mr. Sanjiv Gupta, Advocate and
Mr. Tushar Wadwa, Advocate
for respondent No. 24.

Mr. Rajesh Kumar Moudgil, Advocate
for respondents No.22, 40, 42, 43, 45,
47, 49, 61, 63 and 68.

Mr. Pankaj Gautam, Advocate for
Mr. Akshay Jindal, Advocate
for respondent No. 70.

Mr. Pankaj Bains, Advocate for
Mr. N.S. Boparai, Advocate
for respondent No. 71.

Mr. Puneet Bali, Sr. Advocate with
Mr. Uday Agnihotri, Advocate and
Ms. Maninder Arora, Advocate
for respondents No. 71, 73, 74, 75 & 132.

Mr. Saransh Sabharwal, Advocate
for respondents No. 78.

Mr. Deep Inder Singh Walia, Advocate

for respondents No. 87, 88 and 89.

Mr. Shahin Hussain, Advocate for
Mr. Hamid Hussain, Advocate
for respondents No. 105 to 107.

Mr. Arvind Singh, Advocate for
Ms. S.S. Dinarpur, Advocate
for respondent No. 108.

Mr. Pritam Singh Saini, Advocate with
Ms. Vibha Nagar, Advocate &
Ms. Mahek Jain, Advocate
for respondent No. 133.

Mr. Vivek Suri, Advocate
for respondent No. 134.

VINOD S. BHARDWAJ, J. (Oral)

CM-13401-CWP-2022

The instant application has been filed under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure, 1908 and under Rule 2 Vol. 5 Chapter I-C of the High Court Rules & Orders, for impleading the applicant-Balwinder Singh son of Jaswant Singh, as respondent No. 133.

Notice of the application to the non-applicant-petitioner.

Mr. Animesh Sharma, Advocate accepts notice on behalf of the petitioner and has no objection, if the aforesaid prayer is allowed.

In view of the no objection by the counsel for the petitioner, the application is allowed and amended Memo of parties is taken on record.

Registry is directed to tag the same at appropriate place.

MAIN CASE

The instant writ petition had been filed raising a challenge to the order dated 02.05.2017 passed by the Division Bench of Financial Commissioner, Haryana to an extent where the direction “(i)” had been issued by the Division Bench. The above said direction is extracted as under:

“i) Keeping in view the directions of the Hon'ble High Court dated 11.12.1992 issued in CWP No. 2592 and 2612 the status of land holding of Sardar Bhagwant Singh is to be assessed with respect to 15.04.1953 which is the reference date for the enforcement of Punjab security and Land Tenure Act 1953. Even though as on 15.04.1953 the jurisdiction provisions of the Punjab of Securities and Land Tenure Act 1953 covered the erstwhile combined State of Punjab, in which the present Haryana State was a part of the Collector (agrarian) only is competent to the extent of assessing the land situated in the area under his jurisdiction and he cannot make an assessment of the land which may be belonging to Sardar Bhagwant Singh and located in the present Punjab state. There are instructions also to this effect Financial issued by the Commissioner Revenue Haryana vide his memo no. ARS-1-76/3902 dated 06.02.1976 regarding to which the concerned state will be competent to determine the surplus land as it existed concerned state.”

Counsel for the petitioner contends that the Division Bench of the Financial Commissioner, Haryana had, while remanding the case to the Collector Agrarian, Panchkula had directed reassessment in a particular manner and that the issuance of the aforesaid direction in fact amounts to mandating adjudication in a particular manner.

Counsel appearing on behalf of the respondents have no objection to the above said prayer made by the petitioner and submit that instead of the direction as has been extracted above, the Collector Agrarian be directed to re-determine the issue as per the law laid down for re-determination after hearing the respective parties and after taking taking into consideration the respective judgments cited by the counsel.

Further, taking into consideration that the matter is old, Collector Agrarian shall take expeditious steps for adjudication of the proceedings in a time bound manner and preferably within a period of one year of receipt of certified copy of this Court

Petition is accordingly disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 24, 2023

Vishal sharma

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