

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

**CWP No.22296 of 2016
Date of Decision : 17.07.2023**

Bir Singh and others

..... Petitioners

Versus

**Financial Commissioner (Appeals) Punjab,
Civil Secretariat Punjab and others**

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jasbir Rattan, Advocate with
Mr. Manu Rattan, Advocate
for the petitioners.

Mr. Arun William, AAG, Punjab.

Mr. Harshit Jain, Advocate
for respondents No.2 to 6.

RAJESH BHARDWAJ, J. (Oral)

This writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of order dated 12.10.2015 (Annexure P-1) passed by the Financial Commissioner; order dated 19.11.2014 (Annexure P-2) passed by the Divisional Commissioner, Patiala and for restoration of the order passed by the Collector, Dhuri.

Notice of motion was issued and learned counsel for the respondents appeared.

Learned counsel for both the sides have brought to the notice of this Court that the impugned order dated 12.10.2015 has been passed totally in ignorance of the facts of the present case.

It has been pointed out that the observations made by the learned Financial Commissioner in para No.2 that it was a suit for rendition of accounts is factually incorrect as it was a suit filed for partition. It has further been pointed out that facts mentioned in para No.3 also do not match with the present case. It has been submitted that thus, the impugned order has been passed on the basis of the facts of some other case.

Learned counsel for both the sides are agreed that the impugned order being based on incorrect facts needs to be set aside and the matter requires to be remanded for decision afresh on the basis of the facts of the present case.

In view of the submissions made by learned counsel for both the sides, the impugned order dated 12.10.2015 is set aside and the case is remanded to respondent No.1 for decision afresh after hearing both the sides by passing a speaking order expeditiously in accordance with law.

Disposed of.

(**RAJESH BHARDWAJ**)
JUDGE

17.07.2023

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