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

CM-6381-CWP-2023 in/and
CWP-20012-2022 (O&M)
Date of decision : 20.04.2023

Ishwar Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Neeraj Saini, Advocate for
Mr. Shilak Ram Hooda, Advocate for the petitioners.

Ms. Upasana Dhawan, AAG, Haryana,
for respondent Nos.1 to 4.

VIKAS BAHL, J. (ORAL)

CM-6381-CWP-2023

1. This is an application filed under Order 9 Rule 9 read with Section 151 CPC for restoration of the case and recalling of order dated 14.03.2023.

2. For the reasons stated in the application which is duly supported by an affidavit of learned counsel for the applicants-petitioners, the present application is allowed and order dated 14.03.2023 is recalled and the main case is restored to its original number.

Main case

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the impugned order dated 04.02.2022 (Annexure P-10), passed by respondent No.2, vide which the order dated 27.01.2021 passed by

respondent No.3 has been set aside.

2. Learned State counsel has pointed out that the present partition proceedings were initiated on 18.03.2014 as is apparent from para 2 of the present writ petition and thus, the same is prior to the amendment dated 10.04.2017 in Section 16 of the Haryana Land Revenue Act, 1887, thus, even after issuance of sanad takseem, the revision would lie before the Financial Commissioner, Haryana. She has referred to the ***order dated 12.05.2017*** passed by a Coordinate Bench of this Court in ***CWP-10182-2017 titled as Smt. Rajesh and others Vs. State of Haryana and others, judgment dated 21.11.2022*** passed by a Coordinate Bench of this Court in ***CWP-19481-2022 titled as Ramesh Vs. State of Haryana and others*** as well as judgment passed by a Coordinate Bench of this Court in ***Ram Gopal Vs. State of Haryana and others***, reported as ***2009 (11) RCR (Civil) 336***.

3. Learned counsel for the petitioners has submitted that in view of the abovesaid stand taken by learned State Counsel, he seeks permission of this Court to withdraw the present Civil Writ Petition with liberty to file a revision before the Financial Commissioner.

4. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is dismissed as withdrawn with liberty aforesaid.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

20.04.2023

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No