

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANIDGARH

279

CWP No.19541 of 2022
Date of Decision: 08.02.2023

Gurpreet Singh

..... Petitioner

Versus

Financial Commissioner and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kanwaljit Singh, Sr. Advocate with
Ms. Neha Anand Mahajan, Advocate and
Mr. Sherry K. Singla, Advocate
for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab
for respondents No.1 to 3.

Mr. Gaurav Chopra, Sr. Advocate with
Mr. Anurag Chopra, Advocate
for respondents No.4 and 5.

VIKAS BAHL, J (ORAL)

This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 10.05.2022 (Annexure P-9) passed by respondent No.1 in ROR 360 of 2021, where the order dated 17.03.2021 passed by respondent No.2 has been set aside and the matter has been remanded back to respondent No.3-Collector-cum-Sub Divisional Magistrate, Ludhiana (East).

Learned senior counsel appearing for the petitioner as well as senior counsel appearing for respondents No.4 and 5 have jointly prayed that since after the remand of the matter by the Financial Commissioner, the

case is pending before the Collector-cum-Sub Divisional Magistrate, Ludhiana (East), the present petition be disposed of with a direction to the said Collector-cum-Sub Divisional Magistrate, Ludhiana (East) to decide the case along with the application for condonation of delay within a fixed time frame, uninfluenced by the observations made by the Financial Commissioner.

In view of the above said facts and circumstances and also the joint prayer made by the senior counsel for the petitioner and senior counsel for respondents No.4 and 5, the present petition is disposed of in the following terms:-

- 1) The petitioner and respondents No.4 and 5, through their counsel, would appear before the Collector-cum-Sub Divisional Magistrate, Ludhiana (East) on 15.02.2023.
- 2) The Collector-cum-Sub Divisional Magistrate, Ludhiana (East) before whom the matter has been remanded back by the Financial Commissioner, would decide the appeal along with the application for condonation of delay, within a period of two months from 15.02.2023 on receipt of certified copy of this order.
- 3) While deciding the appeal as well as the application for condonation of delay, the Collector-cum-Sub Divisional Magistrate, Ludhiana (East) would not be influenced by the observations made by the Financial Commissioner. The appeal would be decided after considering all the points raised by both the contesting parties in accordance with law.
- 4) It would be open to both the parties to raise all

arguments as are available to them.

It is clarified that this Court has not considered the merits of the case and the Collector-cum-Sub Divisional Magistrate, Ludhiana (East) would decide the application for condonation of delay as well as the main appeal independently, in accordance with law.

08.02.2023
D.Bansal

(VIKAS BAHL)
JUDGE

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