

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.18694 of 2023
Date of Decision : 21.09.2023

Malkit Kaur and another

..... Petitioners

Versus

Financial Commissioner, Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rajesh Bhatheja, Advocate
for the petitioners.

Mr. Sumit Gupta, Addl. A.G., Haryana.

Mr. P. K. Ganga, Advocate
for respondents No.4 to 6.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed for issuance of a writ in the nature of certiorari for quashing of impugned order dated 26.05.2022 (Annexure P-6) passed by the learned Assistant Collector 2nd Grade, Dabwali vide which the learned Assistant Collector 2nd Grade, Dabwali has entertained the application for restoration of execution of Sanad Taksim filed by Gurpreet Singh-respondent No.6 and issued notice to the petitioners, as well as impugned order dated 31.08.2022 (Annexure P-8) passed by learned Assistant Collector 2nd Grade, Dabwali, Sirsa vide which restoration application of execution has been allowed and execution has been restored and warrant of possession has been issued as the same are totally wrong, illegal against the mandatory provisions of the Punjab Land

Revenue Act and Rules (as applicable in the State of Haryana). Further

prayer has been made for setting aside the impugned order dated 02.08.2023 (Annexure P-10) passed by the learned Financial Commissioner, Haryana whereby revision petition filed by the petitioner under Section 16(1) of the Punjab Land Revenue Act for setting aside the above mentioned orders, has been dismissed being illegal and against the settled law and for staying the operation and implementation of the impugned order dated 31.08.2022 (Annexure P-8) passed by the Assistant Collector 2nd Grade, Dabwali, District Sirsa and impugned order dated 02.08.2023 (Annexure P-10) passed by the Financial Commissioner, Haryana.

On 25.08.2023, learned counsel for the petitioners argued this case at length contending that the impugned orders are against the settled principles of law and thus, are illegal. However, this Court found no force in the same and thus, rejected the contentions raised by learned counsel for the petitioners. Learned counsel for the petitioner argued the case at length and submitted before this Court that the Sanad Taksim had been issued on 23.05.2007 and the dispute being among the family members, he does not want to press the petition on merits, but there being chances of amicable settlement, notice of motion be issued to the respondents so as to explore the possibility of an amicable settlement.

Keeping in view the same, this Court issued notice of motion to the private respondents only on the limited alternative prayer made by learned counsel for the petitioners for exploring the possibility of amicable settlement on 25.08.2023 for 15.09.2023.

The parties along with their counsels are present in the Court today. The Court interacted with the private respondents but they have emphatically denied that there is any scope of amicable settlement in this case.

Resultantly, the Court is convinced that there is no possibility of amicable settlement in this case and the parties cannot be compelled for mediation. Therefore, the present petition stands dismissed as such.

(RAJESH BHARDWAJ)
JUDGE

21.09.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No