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

CWP-7091-2018

Date of decision : 17.02.2023

Lakhi Ram and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Barjinder Singh, Advocate for
Mr. Prateek Pandit, Advocate for the petitioners.

Mr. Rajneesh Chadwal, AAG, Haryana
for respondents No.1 to 4.

Mr. S.S. Nain, Advocate for respondent Nos.5 to 12.

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 setting aside order dated 12.12.2017 (Annexure P-10) passed by Commissioner, Hisar Division, Hisar whereby revision petition filed by petitioner No.1 has been dismissed.

On 08.02.2023, learned counsel for respondent Nos.5 to 12 had raised an objection which was noticed in the said order. Relevant portion of the said order is reproduced hereinbelow:-

“Learned counsel for respondent Nos.5 to 12 has pointed out that in the present case, the petitioners have not

approached the Financial Commissioner against the order of Commissioner and thus, the present writ petition is not maintainable. It is further submitted that sanad taksim has also been issued in the present case.

Adjourned to 17.02.2023.

To be taken up at 03:15 pm.”

Learned counsel for the private respondents has further submitted that in the present case, the application for partition is dated 23.07.2014 and thus, the same is prior to the amendment dated 10.04.2017 in Section 16 of the Haryana Land Revenue Act, 1887 and thus, revision petition would lie before the Financial Commissioner, Haryana. In support of his arguments, he 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**.

Learned counsel for the petitioners has submitted that in view of the said objection taken, the petitioners be permitted to withdraw the present Civil Writ Petition with liberty to file a revision petition before the Financial Commissioner. It is further submitted that the petitioners would approach the Financial Commissioner within a period of one month from today and the said revision petition, if filed within a period of one month, be considered on the merits and the bar of limitation should not come in the way of the petitioners as they were pursuing the present Civil Writ Petition

since the year 2018.

Keeping in view the abovesaid facts and circumstances and also in view of statement made by learned counsel for the petitioners, the present Civil Writ Petition is disposed of in the following terms:-

- 1) The petitioners are permitted to withdraw the present Civil Writ Petition with liberty to file a revision petition before the Financial Commissioner.
- 2) In case, the petitioners file the said revision petition within a period of one month from today before the Financial Commissioner, the Financial Commissioner would consider the same on merits and would not dismiss the same solely on the ground of limitation.

17.02.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No