

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(202)

CWP-34397-2019

Date of decision: - 10.02.2023

Saun Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ashish Gupta, Advocate,
for the petitioners.

Mr. Rohit Ahuja, DAG, Punjab.

Mr. B.S. Saini, Advocate
for Mr. S.S. Grewal, Advocate
for respondent N.2.

VIKAS BAHL, J. (ORAL)

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 for quashing the order dated 07.12.2018 (Annexure P-16) passed by respondent No.1, vide which the Financial Commissioner (Appeals), Punjab while disposing of the revision petition filed by respondent No.2, has directed the Assistant Collector 1st Grade, Rajpura to decide the petition filed by said respondent No.2.

On 03.12.2019, a Co-ordinate Bench of this Court was pleased to pass the following order: -

*“Learned counsel for the State, on instructions from Mr.
Sandeep Kumar, Senior Assistant (Judicial), office of Financial*

Commissioner, Revenue, Punjab, and on the basis of the records of the Financial Commissioner, in compliance with the order dated 26.11.2019 passed by this Court, states that it is a fact that no notice was issued to the petitioners, who were respondents in the revision petition.

If that be so, the order dated 07.12.2018 (Annexure P-16) passed by the Financial Commissioner (Appeals), Punjab, appears to be in violation of the provisions of Section 16 of the Punjab Land Revenue Act as also the basic principle of law, which requires the principles of natural justice to be followed including audi alteram partem, which stands violated.

Let notice be issued to private respondent No.2 for 16.01.2020.

Dasti only.

In the meanwhile, operation of the impugned order dated 07.12.2018 shall remain stayed.

To be shown in the urgent list.

December 3rd, 2019

**(AUGUSTINE GEORGE MASIH)
JUDGE"**

A perusal of the order as well as the impugned order would show that no notice was issued to the present petitioners who were respondents No.1 to 4 before the Financial Commissioner (Appeals), Punjab. The order passed by the Financial Commissioner (Appeals), Punjab, is thus in violation of the provisions of Section 16 of the Punjab Land Revenue Act and also the basic principle of natural justice.

Learned counsel appearing on behalf of respondent No.2 has submitted that in the said circumstances, the impugned order be set aside, but the Financial Commissioner (Appeals), Punjab be directed to decide the case afresh in accordance with law in a time bound manner.

Keeping in view the facts and circumstances, the impugned order dated 07.12.2018 (Annexure P-16) is set aside and the Financial

Commissioner (Appeals), Punjab is directed to decide the same afresh after hearing all the parties concerned within a period of three months from the date the parties put in appearance before the Financial Commissioner (Appeals), Punjab.

The parties are directed to appear before the Financial Commissioner (Appeals), Punjab on 16.02.2023.

Disposed of in the above-said terms.

February 10, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No