

**CM-3319-CWP-2023 in/and  
CWP-30196-2018**

**-1-**

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

**(108)**

**CM-3319-CWP-2023 in/and  
CWP-30196-2018  
Date of decision: - 02.03.2023**

**Mahender and another**

**....Petitioners**

**Versus**

**State of Haryana and others**

**.....Respondents**

**CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. S.S. Sahu, Advocate  
for the applicants-petitioners.

Ms. Upasana Dhawan, AAG, Haryana  
for respondents No.1 to 4.

Mr. Rajesh Sethi, Advocate  
and Mr. Arun Biriwal, Advocate  
for respondent No.5.

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**VIKAS BAHL, J. (ORAL)**

**CM-3319-CWP-2023**

This is an application under Order IX Rule 9 CPC for restoration of the writ petition which was dismissed for non-prosecution by this Court, vide order dated 10.02.2023 (Annexure A-1).

Notice in the application to the respondents.

Ms. Upasana Dhawan, AAG, Haryana, appears & accepts notice on behalf of respondents No.1 to 4 and Mr. Rajesh Sethi, Advocate and Mr. Arun Biriwal, Advocate, appears and accepts notice on behalf of respondent No.5 and have submitted that they have no objection in case

the present application is allowed and the main writ petition is restored to its original position.

For the reasons stated in the application and also the fair stand taken by learned counsel for the respondents, the present application is allowed. Accordingly, the order dated 10.02.2023 is recalled and the main writ petition is restored to its original number.

**CWP-30196-2018**

This writ petition has been filed under Articles 226/227 of the Constitution of India for the issuance of writ in the nature of certiorari for setting aside the impugned order dated 30.10.2018 passed by the Commissioner, Hisar Division, Hisar (Annexure P-15) and order dated 30.08.2018 passed by the Sub-Divisional Magistrate-cum-Collector, Ratia (Annexure P-14).

Learned counsel appearing on behalf of respondent No.5 has pointed out that in the present case, the partition application had been filed in the year 2010 i.e., prior to the amendment dated 10.04.2017 in Section 16 of the Haryana Land Revenue Act, 1887, thus, the revision would lie before the Financial Commissioner, Haryana. 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, in view of the above said facts as well as the law laid down in the said judgments, seeks to withdraw the present writ petition with liberty to the petitioners to file a revision petition before the Financial Commissioner.

In view of the above statement of learned counsel for the petitioners, the present writ petition is dismissed as withdrawn, with the aforesaid liberty.

March 02, 2023  
naresh.k

( VIKAS BAHL )  
JUDGE

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|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |