

110(2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

1.

CWP-2297-2020 (O&M)

Date of Decision: April 15, 2024

Brij Pal

.....Petitioner

Versus

State of Haryana and others

.....Respondents

2.

CWP-12129-2020 (O&M)

Hukam Singh (Deceased) through LRs

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present:

Mr.Kanwaljit Singh, Sr.Advocate with

Mr.K.S.Brar, Advocate

for the petitioner in CWP-2297-2020.

Mr.Parminder Singh, Advocate

for the petitioner in CWP-12129-2020.

Ms.Upasana Dhawan, AAG, Haryana.

Mr.Gaurav Arora, Advocate

for respondent No.2 in both the cases.

Mr.Sanjay Verma, Advocate

for the respondents in CWP-2297-2020.

.....

RAJESH BHARDWAJ, J.(ORAL)

Both the above-mentioned writ petitions are being decided by

this common order as prayer in both the cases is common, i.e. for quashing

whereby remand order passed by the Commissioner, directing the Revenue Authorities to go for spot inspection and prepare 'naksha be' afresh has been set aside in a most arbitrary, illegal and unlawful manner.

For the sake of convenience, the facts are being extracted from CWP-2297-2020.

It has been submitted by learned senior counsel that 'Sanad Taksim' in this case was issued on 29.11.2019 whereas the order impugned was passed prior to the issuance of 'Sanad Taksim'. Learned senior counsel has fairly submitted that this 'Sanad Taksim' was issued without hearing the petitioners and hence they were left with no alternative than to challenge the same before the learned Commissioner as per law. He has submitted that petition challenging 'Sanad Taksim' is pending consideration before the learned Commissioner. He submits that however the observations made by learned Financial Commissioner in the impugned order dated 13.05.2019 would prejudice the petitioners as Financial Commissioner has already upheld the partition proceedings before issuance of 'Sanad Taksim'.

Learned counsel for the respondents have opposed the prayer made by learned counsel for the petitioners.

In view of the overall facts and circumstances of the case, the present petition is disposed of. Order dated 13.05.2019, Annexure P-14, is set aside. Case is remanded to the Commissioner where challenge to the 'Sanad Taksim' is pending with direction to it to hear the grievances of both the sides and pass an appropriate order in accordance with law expeditiously preferably within three months from the next date fixed before it. It is

further being clarified that learned Commissioner would decide the matter without being influenced by any observation made by learned Financial Commissioner in the order dated 13.05.2019.

Both the petitions stand disposed of in above terms.

April 15, 2024	(RAJESH BHARDWAJ)
meenuss	JUDGE
1. Whether speaking/reasoned ?	Yes/No
2. Whether reportable ?	Yes/No