

THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-CW No.113 of 2024 in
CWP No.2898 of 2024
Date of Decision: 16.04.2024

Baljinder Singh and another
..... Applicants

Versus

Santokh Singh and others
..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sherry K. Singla, Advocate
for the applicants-petitioners.

Mr. Rai Singh Chauhan, Advocate;
Mr. Rohit Sapehiya, Advocate and
Ms. Deepika Chauhan, Advocate
for the respondents.

RAJESH BHARDWAJ, J. (ORAL)

1. Instant review application has been filed for reviewing/recalling the order dated 22.02.2024 passed by this Court.
2. Learned counsel for the applicants has submitted before this Court that this Court has already disposed of the main writ petition vide order dated 22.02.2024 and review of which is being sought by the applicants-petitioners. He submits that in view of the provisions of Section 16(3)(ii) of the Punjab Land Revenue Act, the revision petition would not lie before the learned Financial Commissioner as he has already passed the impugned order dated 11.12.2023.
3. Notice of motion.

4. Mr. Rai Singh Chauhan, Advocate appears and accepts the notice on behalf of the respondents. He has opposed the submissions made by learned counsel for the applicants-petitioners and has submitted that after amendment of Section 16 of Punjab Land Revenue Act, the revision petition is very much maintainable before the learned Financial Commissioner after issuance of the Sanad Taksim.

5. However, learned counsel for the applicants-petitioners has submitted that the learned Financial Commissioner vide his order dated 11.12.2023 has already upheld the Naksha Bey and thus has upheld the partition proceedings which would cause material prejudice to the petitioner in case the applicants file the revision petition after issuance of Sanad Taksim.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is apparent that Sanad Taksim was issued in the present case after passing of the order by the Financial Commissioner dated 11.12.2023. As per the amendment of provisions of Section 16 of Punjab Land Revenue Act, the revision petition is maintainable before the learned Financial Commissioner. However the Court is in agreement with the submissions made by learned counsel for the applicants that the observations made by the learned Financial Commissioner in the order dated 11.12.2023 would prejudice their interest on filing of the revision petition challenging the Sanad Taksim which has been issued subsequently.

8. Thus the order dated 11.12.2023 is set aside. The petitioners would be at liberty to file the revision petition as already permitted by this Court vide order dated 22.02.2024. In case the petitioners file the revision petition within a period of 10 days from the date of receipt of certified copy of this order, the learned Financial Commissioner would summon both the sides and on hearing both the parties, would decide the revision petition afresh without being influenced by any observation made by the Financial Commissioner earlier in the order dated 11.12.2023, expeditiously in accordance with law preferably within a period of three months from the date of its filing.
9. Till the decision of the revision petition, the parties are directed to maintain status quo.
10. The review application stands disposed of in the above mentioned terms.

(RAJESH BHARDWAJ)

JUDGE

16.04.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No