259 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1) CWP-13347-2023

Mahender … Petitioner

Versus

State of Haryana and others … Respondents

(2) CWP-13439-2023

Mahender … Petitioner

Versus

State of Haryana and others … Respondents

(3) CWP-14183-2023

Badri Narayan @ Badri Narayan Sharma and others … Petitioners

Versus

State of Haryana and others … Respondents

Decided on: 31.01.2024

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. S.S. Sahu Advocate, for the petitioner in CWP-13374-2023 and 13439-2023.

Mr. Rajneesh Chadwal, Assistant Advocate General, Haryana.

Mr. Surjit, Advocate for Mr. Vikram Singh, Advocate, for the petitioner in CWP-14183-2023 and for respondents No.9 to 12 in CWP-13374-2023 and 13439-2023.

Mr. Rajesh Sethi, Advocate, for respondent No.6 in CWP-13374-2023 and 13439-2023 and respondent No.3 in CWP-14183-2023.

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RAJESH BHARDWAJ, J.

This order will dispose of above-mentioned three petitions as the orders challenged in all the petitions were passed by the Financial Commissioner, Haryana in three different revisions dismissing the same *in limine* on account of delay of 1540 days caused in filing the same.

The facts have been extracted from CWP-13347-2023.

Prayer in the present petition is for setting aside the impugned order dated 30.05.2023 (Annexure P-16) passed by respondent No.2-Financial Commissioner, Haryana, order dated 30.10.2018 (Annexure P-13) passed by learned Commissioner, Hisar Division, Hisar, order dated 30.08.2018 (Annexure P-12) passed by Sub-Divisional Magistrate-cum-Collector, Ratia being illegal, null and void and against the provisions of Land Revenue Act.

It has been contended by learned counsel for the petitioner that the partition proceedings were initiated by respondent No.6 on 02.07.2010 and thereafter, partition proceedings were carried out *ex parte* qua the petitioner. He submits that the petitioner challenged the same in accordance with law. He submits that the petitioner in compliance of the order dated 02.03.2023 passed by this Court, filed revision petition before the learned Financial Commissioner, which was dismissed *in limine.* It is submitted by him that the learned Financial Commissioner without adverting to the provisions of the Section 14 of the Limitation Act, 1963 dismissed the revision petition *in limine* by passing a cryptic order. He submits that it has also been observed in the cryptic order that arguments have been heard on merits as well and thus, the revision petition filed was illegally dismissed *in limine.* He submits that though there was a delay of 1540 days in filing the revision, however, the impugned order has been passed totally in violation of the settled principles of law. It is further submitted by him that the impugned order passed is cryptic, arbitrary and thus, being unsustainable in the eyes of law, deserves to be set aside by directing the learned Financial Commissioner to decide the revision petition filed on merits.

On the other hand, learned counsel for the private respondents have opposed the submissions made by learned counsel for the petitioner. The have submitted that the impugned orders suffer from no illegality and the revision petition filed by the petitioner has been rightly dismissed on the ground of delay as well as on merits. It is submitted that the petition being devoid of any merit, deserves to be dismissed.

Same is the position in other two petitions mentioned above.

After hearing learned counsel for the parties and perusing the record, it is apparent that the revisions filed were dismissed *in limine*. Learned Financial Commissioner has not adverted to the arguments raised regarding the contention of delay in view of the Section 14 of the Limitation Act, 1963. Though it was observed that the case was heard on merit as well, however, no merits are found to have been taken into consideration or discussed while deciding the case. Thus, this Court finds the impugned order totally unsustainable in the eyes of law and hence, the same are hereby set aside.

Resultantly, all the three cases are remanded to the learned Financial Commissioner, Haryana for deciding the same afresh after hearing all the parties in accordance with law by passing a speaking order. However, keeping in view the facts and circumstances of the case, the learned Financial Commissioner is directed to pass fresh orders in all three cases mentioned above within a period of three months from the date of receipt of certified copy of this order.

Petitions are disposed of in above-said terms.

(RAJESH BHARDWAJ)
JUDGE

31.01.2024
sharmila

Whether speaking/reasoned Yes/No
Whether reportable Yes/No