

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18676-2015
Date of decision : 09.02.2024

Dalip SinghPetitioner

versus

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sushil Jain, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. AG, Haryana.

Mr. Abhishek Sharma, Advocate
for respondents No.12, 13 and 19.

Mr. Anshul Baghla, Advocate for
Mr. Chanderhas Yadav, Advocate
for respondents No.14 and 15.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing the impugned order dated 20.03.2014 (Annexure P-13) passed by respondent No.1 i.e. Financial Commissioner, order dated 26.11.2009 (Annexure P-11) passed by respondent No.2-Commissioner Gurgaon Division, Gurgaon, order dated 29.09.2004 (Annexure P-9) passed by respondent No.3-Collector, Rewari and order dated 23.03.2004 (Annexure P-7) passed by Assistant Collector Ist Grade, Rewari whereby respondent No.1 had affirmed the orders passed by the Courts below and dismissed the revision petition of the petitioner by passing an order which is illegal, arbitrary and the same is liable to be quashed. Further prayer has been made for directing respondent No.1 to remand back the case by setting

aside the aforesaid orders, to the Assistant Collector Ist Grade, Rewari for preparing fresh mode of partition and further partition the land keeping in view the nature of land as well as the right of the petitioner and in view of the grievances raised by the petitioner and for deciding the partition matter afresh in accordance with law after hearing the parties and considering the entire material available on record. Further prayer has been made for maintaining the *status quo* with regard to land in dispute.

It has been submitted by learned counsel for the respondents that the *sanad taksim* was issued and thus, the writ petition is not maintainable as the remedy available to the petitioner was to file revision before the Financial Commissioner.

Learned counsel for the petitioner prays for withdrawal of the present petition with liberty to the petitioner to avail the remedy as available to him under law. However, he has submitted that the Revisional Authority may be directed to consider the issue of limitation in accordance with the provision of Section 14 of Limitation Act as the petitioner was pursuing the present petition before the Court since 2015.

In view of the submissions made by counsel for the parties, the present petition is dismissed as withdrawn with liberty as prayed for. However, the Revisional Authority is directed to take into consideration the period of pendency of this petition before this Court while deciding the issue of limitation.

09.02.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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