

2024 PHHC: 144797



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

CWP-14805-2017 (O&M)
Date of Decision: 05.11.2024

Gurnam Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Ms. Manveen Kahlon, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

Mr. G.S. Nagra, Advocate
for respondent No.5.

HARSH BUNGER J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of Certiorari to set aside order dated 24.02.2016 (Annexure P-6) passed by the learned Commissioner, Jalandhar Division, Jalandhar and order dated 16.02.2017 (Annexure P-8) passed by the learned Financial Commissioner (Revenue), Punjab.

1.1 A further prayer has been made to set aside order dated 27.07.2016 (Annexure P-7) passed by the learned Deputy Commissioner-

cum-Collector, Tarn Taran; whereby respondent No.5 (Sital Singh) has been appointed as Lambardar of Village Fatehpur Badeshan, Teshil Khadur Sahib, District Tarn Taran.

2. It appears that initially, petitioner (Gurnam Singh) was appointed as Lambardar of Village Fatehpur Badeshan by the learned Collector, Tarn Taran, vide order dated 31.12.2015 (Annexure P-4).

2.1 The aforesaid order (Annexure P-4) was challenged by respondent No.5 (Sital Singh) by way of filing an appeal before the learned Divisional Commissioner, Jalandhar; which was allowed vide order dated 24.02.2016 (Annexure P-6) and the matter was remanded to the learned Collector for fresh decision.

2.2 It transpires that upon remand, learned Collector passed the fresh order dated 27.07.2016 (Annexure P-7); whereby respondent No.5 (Sital Singh) was appointed as Lambardar of Village Fatehpur Badeshan.

2.3 Thereafter, petitioner (Gurnam Singh) preferred a revision petition (ROR No.563 of 2016) on 29.07.2016, against the Divisional Commissioner's order dated 24.02.2016 (Annexure P-6), before the learned Financial Commissioner, Punjab; which was dismissed vide order dated 16.02.2017 (Annexure P-8) by holding that the revision petition had been filed after expiry of the limitation period and accordingly, the same had become infructuous.

3. In the aforementioned circumstances, petitioner has filed the present writ petition before this Court.

4. During the course of arguments, it is not disputed by learned counsel for the petitioner that it was only after the appointment of respondent No.5 (Sital Singh) as Lambardar of Village Fatehpur Badeshan by the learned Collector, Tarn Taran, vide order dated 27.07.2016

(Annexure P-7); that petitioner (Gurnam Singh) had filed the revision petition (ROR No.563 of 2016) before the learned Financial Commissioner, on 29.07.2016.

5. At this stage, learned counsel for the petitioner submits that since the aforesaid order dated 27.07.2016 (Annexure P-7) passed by the learned Collector, Tarn Taran is an appealable order; accordingly, she may be permitted to withdraw the instant writ petition with liberty to the petitioner to avail his remedy of appeal against the said order dated 27.07.2016 (Annexure P-7), in accordance with law.

6. Learned counsel for respondent No.5 has not raised any objection to the aforesaid course of action.

7. In view of the aforesaid submissions made by learned counsel for the parties, the present writ petition is dismissed as withdrawn with liberty to the petitioner to avail his remedy of appeal against order dated 27.07.2016 (Annexure P-7) passed by the learned Deputy Commissioner-cum-Collector, Tarn Taran, in accordance with law.

7.1 The petitioner would also be entitled to file an appropriate application seeking condonation of delay in filing the appeal; considering the fact that the matter had been pending consideration before this Court.

8. All pending application(s), if any, shall also stand closed.

05.11.2024*Apurva***(HARSH BUNGER)****JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No