IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-6939-2015
Date of decision : 22.04.2024

Jeet Kaur .....Petitioner

versus

Deputy Commissioner-cum-Collector Jalandhar and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Yatin Bunger, Advocate
for the petitioner.

Mr. Navneet Singh, Sr. D.A.G., Punjab.

Mr. G.S. Nagra, Advocate for
Mr. K.S. Rawat, Advocate
for respondent No.3.

Mr. A.S. Gill, Advocate
for respondents No.6 & 12.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing the impugned order dated 25.11.2014 (Annexure P-4) passed by respondent No.1 Ld Deputy Commissioner-cum-District Collector, Jalandhar, whereby the revision filed by the petitioner against the order dated 05.12.2012 (Annexure P-2) passed by A.C. Ist Grade, Jalandhar, has been wrongly and arbitrarily dismissed on the ground that as per the amendment carried out in the Punjab Land Revenue Act, 1887, the District Collector has no jurisdiction to hear the revision petition against the final order passed by the Lower Revenue Officers with a further prayer for quashing/setting aside the order dated 05.12.2012 (Annexure P-2) passed by A.C. Ist Grade, Jalandhar whereby the proposed Mode of Partition in respect of land has been sanctioned wrongly and illegally in violation of principles of Partition; in as much as that the possession of few co-sharers have been ordered to be kept intact whereas possession of the petitioners and others have been ordered to be disturbed in a totally discriminatory manner, which is legally untenable and unsustainable; or any other appropriate writ, order or direction as may deem fit and proper in the circumstances of the present case.

Learned counsel for respondent No.3 has submitted that after amendment of the Act, the petitioner has the remedy of approaching the Financial Commissioner against the impugned order.

Learned counsel for the petitioner has fairly submitted that he may be allowed to withdraw the present petition as the petitioner is ready to avail the remedy as available to her and would approach the Financial Commissioner, however, the limitation issue may come in her way. He submits that the petitioner would file Revision before the concerned authority within a period of one month.

However, counsel for respondent No.3 has submitted that he would not press the limitation issue before the concerned authority.

In view of the above, the petition is dismissed as withdrawn with liberty to the petitioner to approach the concerned authority and the authority concerned would decide the Revision on merits expeditiously preferably within three months.

If the petitioner approaches the concerned authority within a period of one month, the status quo as exists today would be maintained till the filing of the petition by the petitioner and the Court concerned would decide the case on merits as per direction given above.

It is made clear that if issue regarding limitation arises, the authority concerned would decide the same by taken into consideration the period spent before this Court by the petitioner in pursuing this petition as per Section 14 of the Limitation Act.

(RAJESH BHARDWAJ)
JUDGE

22.04.2024
ps-I

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