

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

CWP-26123-2023

Date of decision : 05.02.2024

Iqbal Singh

.....Petitioner

versus

Financial Commissioner (Appeals), Punjab and ors Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Shubham Goyal, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for setting aside/quashing the impugned order dated 15.03.2023 (Annexure P-3) passed by respondent No.1 whereby wrongly and illegally order dated 14.09.2022 (Annexure P-2) passed by respondent No.2 was stayed without recording any reasoning or finding and has been passed in very casual manner. Further prayer has been made for vacating the stay order (Annexure P-3) passed in ROR No.877 of 2022 titled as *Amrik Singh Vs. Iqbal Singh and others* pending before respondent No.1. Further prayer has been made for staying the operation of the impugned order dated 15.03.2023 (Annexure P-3) during the pendency of the writ petition before this Court. Further prayer has been made for directing respondent No.1 to decide the revision petition filed by respondent No.3 in time bound manner as because of totally not maintainable revision petition, partition proceedings, have been kept in abeyance only to harass the petitioner.

It has been submitted by counsel for the petitioner that the respondent had filed the appeal before the learned Collector and the same

was pending adjudication. However, during the pendency of the same, the *sanad taksim* was issued and thus, the Collector had passed the order dated 14.09.2022 by observing that on the issuing of *sanad taksim*, the appeal is not maintainable and as the appeal is not maintainable, hence, he vacated the stay order dated 02.08.2022. He submits that respondent instead of seeking amendment of the *sanad taksim* in the revision petition, assailed the vacation of the stay order passed by the Collector. It is submitted that learned Financial Commissioner without hearing has stayed the order passed by the Collector which is totally unsustainable in the eyes of law. He submits that the revision is pending before the Financial Commissioner and is now fixed for 06.03.2024.

Notice of motion.

On asking of the Court, Ms. Akshita Chauhan, DAG, Punjab accepts notice on behalf of the State.

Heard. As submitted before this Court that *sanad taksim* has been issued and thus, the Collector has no jurisdiction to entertain the appeal. The revision petition which is pending adjudication before the Court against the order passed by the Collector would be decided by the Financial Commissioner on the date fixed taking into consideration the issue raised by counsel for the petitioner regarding the maintainability of the revision petition.

In view of the above, present petition is disposed of accordingly.

05.02.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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