



CWP-9908-2025 (O&M)

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

**CWP-9908-2025 (O&M)
Date of Decision: 25.07.2025**M/s Jain Rice Mills, Bhawanigarh Road, Samana
Through Its Proprietor

....Petitioner

Versus

Financial Commissioner (Revenue), Punjab
and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGERPresent : Mr. R.M. Sharma, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

Mr. Ashir Gulati, Advocate for
Mr. Ferry Sofat, Advocate
for the private respondents.

HARSH BUNGER, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of Certiorari for setting aside order dated 29.08.2024 (Annexure P-21) passed by learned Financial Commissioner, Punjab and to set aside the warrant of possession dated 14.10.2022 (Annexure P-13) issued against the petitioner; despite the fact that the name of the petitioner was removed from the partition application and the petitioner not being a co-sharer in the land under partition.

2. Short reply dated 24.07.2025 by way of affidavit of Ms. Richa Goyal, PCS; Sub Divisional Magistrate, Samana, District Patiala has been filed by learned State counsel in Court today, which is taken on record,



subject to all just exceptions. Copy thereof has been supplied to learned counsel for the petitioner in Court today itself.

2.1 The relevant extract of short reply dated 24.07.2025 reads as under:

2. *That AC Ist Grade-Cum-Tehsildar, Samana has passed order of partition dated 09.08.2019 where in respondent no.2 & 3 that is Raj Rani and Malti Rani respectively were the applicant. AC Ist Grade Cum Tehsildar, Samana had issued warrant of possession under Section 122 Punjab Land Revenue Act 1887. But the field Kanungo at the time of issuing the intimation letter dated 14/10/2022 regarding the execution of warrant of possession has wrongly issued copy of the same to M/s Jain Rice Mills. Therefore, Tehsildar Samana vide its office order dated 23.07.2025 has withdrawn the possession notice dated 14.10.2022. Copy of said order is attached herewith as Annexure R-1.*

3. *That it is further submitted that as warrant of possession was wrongly issued to M/s Jain Rice Mills, for which an explanation has been sought from the field Kanungo. The inquiry for the same is under process.*

3. After going through the contents of the above extracted paras No.2 and 3, learned counsel for the petitioner submits that since the warrants of possession issued against the petitioner has already been withdrawn, nothing survives in the present writ petition and accordingly, the present petition has been rendered infructuous.

4. In view of the above, the present petition is dismissed as having been rendered infructuous.

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

25.07.2025

Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No