

2025.PHHC.011640



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

CWP-29704-2024
Date of Decision: 21.01.2025

Kulwinder Singh and another

..... Petitioners

Versus

Financial Commissioner (Appeals), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Kanwaljeet Singh Brar, Advocate
for the petitioner.

HARSH BUNGER J. (ORAL)

The instant 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 29.03.2023 (Annexure P-16) passed by the learned Financial Commissioner (Appeals), Punjab.

2. A perusal of order dated 29.03.2023 (Annexure P-16) passed by the learned Financial Commissioner (Appeals), Punjab would indicate that the revision petition (ROR No.419 of 2016) filed by Labh Singh (respondent No.5 herein) has been allowed primarily on the ground that the Assistant Collector, 1st Grade, Nihal Singh Wala, District Moga did not adhere to the provisions of Section 20 of the Punjab Land Revenue Act, 1887 (for short 'the 1887 Act') and Labh Singh was not served in accordance with law; and

accordingly, the partition proceedings/Sanad Takseem dated 27.06.2012 have been set aside and the matter has been remanded to the learned Assistant Collector, Nihal Singh Wala with a direction to decide the same afresh, after hearing all the concerned parties.

3. During the course of hearing before this Court, on the last date of hearing, i.e. 12.12.2024, learned counsel for the petitioners had contended that in fact the proper procedure, as envisaged under Section 20 of the 1887 Act, was followed while effecting service upon respondent No.5 (Labh Singh); and accordingly, learned counsel for the petitioner was called upon to place on record the zimni orders passed by the learned Assistant Collector, 1st Grade, Nihal Singh Wala, District Moga. In pursuance thereof, today, learned counsel for the petitioners has submitted that he has gone through all the zimni orders passed by the learned Assistant Collector, 1st Grade, Nihal Singh Wala, District Moga, and indeed, proper procedure as prescribed under Section 20 *ibid* was not followed while serving respondent No.5 (Labh Singh).

4. In view of the aforesaid fair stand taken by learned counsel for the petitioners, once respondent No.5 was not served in accordance with law, especially as per the procedure prescribed under Section 20 of the 1887 Act; I find no illegality or perversity in order dated 29.03.2023 (Annexure P-16) passed by the learned Financial Commissioner (Appeals), Punjab and the instant writ petition is accordingly dismissed.

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

21.01.2025

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No