
(2016) 02 P&H CK 0076
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 4063 of 2016

Jai Ram

APPELLANT

Vs

Financial Commissioner (Revenue) and others

RESPONDENT

Date of Decision : 29-02-2016

Acts Referred:

Punjab Land Revenue Act, 1887 — Section 16

Citation : (2016) 1 LawHerald 887

Hon'ble Judges : Mahesh Grover, J.

Bench : Single Bench

Final Decision : Dismissed

Judgement

Mahesh Grover, J.- The petitioner invokes Section 16 of the Punjab Land Revenue Act, 1887 to contend that revision petition was maintainable before the Financial Commissioner under Section 16 of the Act against the order Annexure P-1.

Section 16 is extracted here below :-

"16. Power to call for examine and revise proceedings of Revenue Officers.-(1) Except a case pertaining to question of division of property or the mode of making a partition under Section 118,-

(i) The Financial Commissioner may, at any time, call for the record of any case pending before or disposed of by any Revenue Officer subordinate to him; and

(ii) A Commissioner or Collector may call for the record of any case pending before or disposed of by any Revenue Officer under his control.

(2) If any case in which a Collector has called for a record and he is of the opinion that the proceedings taken or order made should be modified or reversed, he shall report the case with his opinion thereon for the orders of the Commissioner whose decision shall be final.

(3) The Financial Commissioner or Commissioner may, in any case called for by

himself under sub-section (1) or under sub-section (2), as the case may be, pass such orders as he thinks fit:

Provided that he shall not under this section pass an order reversing or modifying any proceeding or order of a subordinate Revenue Officer and affecting any question of right between private persons without giving those persons an opportunity of being heard.

(4) Notwithstanding anything contained in this section, the cases called for by the Commissioner or Collector, as the case may be, under sub-section (1) and (2) as it existed prior to the commencement of the Punjab Land Revenue (Amendment) Act, 2012, shall be decided by them as heretofore."

2. It would reveal that this part does not extend to partition proceedings. Since the proceedings pending before the revenue courts pertained to partition, the aforesaid provisions would not be attracted.

3. Confronted with this situation, learned counsel for the petitioner prays for permission to withdraw the instant contempt petition with liberty to pursue his remedies in accordance with law. Permitted to do so.

4. Dismissed as withdrawn with the liberty aforesaid granted.