
(1981) 07 P&H CK 0041
In the Punjab And Haryana At Chandigarh
Case No : C.W. No. 1398 of 1969

Smt. Bhani alias Bhan Kaur

APPELLANT

Vs

The State of Haryana and Another

RESPONDENT

Date of Decision : 14-07-1981

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (1981) 3 ILR (P&H) 508

Hon'ble Judges : Gokal Chand Mital, J

Bench : Single Bench

Advocate : N.S. Gujral, for the Appellant; S.K. Goyal, for AG, for the Respondent

Final Decision : Allowed

Judgement

Gokal Chand Mital, J.—By order dated 8th February, 1961 (annexure "B") the Collector, Surplus Area, declared 2.69 standard acres as surplus after allowing 30 standard acres as permissible area to the Petitioner. The eater, the same Collector, Surplus Area, reviewed the aforesaid order and passed a fresh order dated 11th June, 1962 (annexure "A") and intend of al owing 30 standard acres as permissible area he allowed 60 ordinary acres and declared 45.34 ordinary acres, which was equal to 14.17 standard acres, as surplus area. The review was made on the basis of a decision of the Financial Commissioner rendered in the case of Mahia and Ors. v. Dalip. Revenue Revision No. 147 of 1959-60, Wherein he had taken the view that in accordance with law only 60 ordinary acres had to be allowed and not 30 standard acres. Order annexure "A" has been challenged by the Petitioner in this writ petition under Articles 226 and 227 of the Constitution of India on the sole ground that there was no power of review with the Collector on the ground on which it was reviewed.

2. After hearing the counsel for the parties, I find that there is merit in this writ petition. Whether the Collector could review his order on the ground of wrong interpretation of the provision has been the subject matter of consideration before this Court in two cases directly, Ram Chand v. The Punjab State and Ors.

1970 PLJ 94 by P.C. Jain J. and Hazura Singh v. The State of Haryana and Ors. 1980 PLJ 413, by Harbans Lal, J. These two decisions have the support of two Division Bench judgments, Balwant Singh v. Sodhi Lal Singh and Ors. 1966 PLR 380 and Nand Ram v. The Financial Commissioner Planning Punjab and Anr. 1971 PLJ 376. The learned Counsel appearing for the State could not show either by any process of reasoning or by any other judgment that Ram Chand's case and Hozura Singh case (supra) do not lay down correct law. Accordingly, following the aforesaid two decisions, which are directly in point, I hold that the Collector, Agrarian, could not review his earlier order either by placing a different interpretation on the definition of "permissible area" or because a different interpretation was placed by the Financial Commissioner in another case.

3. For the reasons recorded above, this petition is allowed and order annexure "A" is quashed. However, there will be no order as to costs.