

(2011) 04 P&H CK 0271

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP No. 10998 of 1990

Jagir Singh and Others

APPELLANT

Vs

The State of Haryana and Others

RESPONDENT

Date of Decision: April 29, 2011

Acts Referred:

- Haryana Ceiling on Land Holdings Act, 1972 - Section 18(6)

Hon'ble Judges: K. Kannan, J

Bench: Single Bench

Final Decision: Allowed

Judgement

K. Kannan, J.

CM No. 5010 of 2011

C.M., is allowed as prayed for.

CM Nos. 5011-12 of 2011

C.M., is allowed subject to all just exceptions.

Legal representatives of Petitioner No. 4 and 7 are ordered to be brought on record.

Registry is directed to make necessary correction in the Memo of Parties.

C.M. Nos. 5444-45 of 2011

C. Ms. , are allowed.

Documents taken on record.

CWP No. 10998 of 1990

1. The petition is by the legal representatives of the original big land owner seeking for quashing of the proceedings taken at the instance of the Financial Commissioner

in a purported exercise of the revisional powers u/s 18(6) of the Haryana Ceiling on Land Holdings Act, 1972. It had already been held by the Collector, Kurukshetra that the land owner did not hold property in excess of the permissible limit. He passed an order dated 20.7.1982 holding that the land owner did not come within the purview of the Act. The order stood thus till it was reopened by the Financial Commissioner in a revision suo motu while passing an order on 18.5.1990.

2. The only point which is urged by the learned Counsel appearing for the Petitioners is that the power of revision cannot be exercised arbitrarily at any time and there is simply no justification for reopening the assessment made already that the land owner holding did not exceed the ceiling limit. Learned Counsel refers to a decision of the Hon'ble Supreme Court in Loku Ram v. State of Haryana 2000 (1) RCR Civil 141 where the Court held that it would be unreasonable to hold that the Financial Commissioner has unlimited power to entertain revision after a lapse of several years and if the order does not disclose any reason on the basis of which re assessment was sought to be made, it will become untenable to sustain such an order. I have already observed that the correctness of the order finding that the land owner did not hold any extent in excess of the limit was passed on 20.7.1982 and suo motu revision was undertaken 8 years later. No grounds have been given to state as to how original reckoning by the Collector was erroneous. The proceedings by the Financial Commissioner cannot, therefore be sustained. The impugned order is therefore, quashed and the writ petition is allowed accordingly.