

IN THE COURT OF THE FINANCIAL COMMISSIONER

Case No. 332/2011

Sh. Bhim Singh Tanwar Vs Sh. Arvind Kumar

18.3.2014

Present : Shri Sunil Chauhan, Counsel for the Petitioner, Shri Bhim Singh Tanwar.
 : Shri S. Murli Manohar on behalf of the Respondent, Shri Arvind Kumar.

1. This order shall dispose of revision petition filed under section 72 of Delhi Land Revenue Act, 1954 by the petitioner, Shri Bhim Singh Tanwar against the order passed by Collector(North West) dated June 14, 2011.
2. The petitioner, aggrieved by the order of Tehsildar (Narela) dated April 08, 2011 rejecting his application for recording cultivatory possession qua the land of respondent, Shri Arvind Kumar filed appeal before Collector (North-West) along with an application for stay. Ld. Collector in the impugned order has refused to decide his stay application ex-parte in the interest of justice and has simply fixed the next date of hearing in the matter to July 6, 2011. Aggrieved by this order, petitioner moved this court on August 19, 2011 by way of present petition and on the same day it was ordered by this Court that 'status quo shall be maintained till NDOH'. Thereafter, not much headway has been made in the case.
3. The case came up for hearing today and both the sides were heard in detail. It was admitted by counsels of both the sides that the matter is under adjudication before the Collector(North West) and he is seized of the matter. It is also evident on the face of the impugned order that Collector (North-West) has simply adjourned the proceedings and has given next date of hearing. In the interest of justice, it would not be proper for this Court to usurp the jurisdiction of the lower court and hear this petition against the interim order June 14, 2011 when the main matter is already progressing in the lower Court.
4. In view of the above, the present petition is dismissed with liberty to the petitioner to file fresh stay application before the Ld. Collector (North West), if he so desires and present his main case before the appellate authority/Collector(North-West) where it is already pending for adjudication..
5. Announced in open Court.
6. File be consigned to record room after completion.

-Sd-

(D.M. SPOLIA)