

Sr. No.	Date	Orders
		<p>* IN THE HIGH COURT OF DELHI AT NEW DELHI</p> <p>+ CW 877/2003</p> <p>RAKES DABAS Petitioner Through Mr. Anand Yadav, Advocate.</p> <p>versus</p> <p>FINANCIAL COMMISSIONER, DELHI & Respondent Through Ms. Rashmi Aggarwal, Advocate.</p> <p>CORAM: HON'BLE MR. JUSTICE A.K. SIKRI</p> <p><u>ORDER</u> 03.02.2003</p> <p>%</p> <p>Rule.</p> <p>With the consent of the parties the matter is taken up for final disposal at this stage.</p> <p>Petitioner is aggrieved against the action of the Consolidation Officer in not including his land being Khasra No.386 -- 38/7, Qutab Gach Road, Delhi in the draft Scheme of Consolidation prepared under Section 19 of the Consolidation Act. He submits that against the non-inclusion Revision Petition was filed under Section 42 of the Consolidation Act which has been dismissed by impugned Order dated 7th December, 2002 merely on the ground that Consolidation Officer in his comments has denied the receipt of any such application. Learned counsel relies upon the judgment of Punjab High Court in the case of Rattan and others versus State of Punjab and others reported in (1965) 67 PLR 276 as per which action under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act can be taken</p>

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		<p>submission is that in view of the aforesaid legal position his Revision Petition could not have been dismissed merely on the ground that petitioner allegedly had not made application to the Consolidation Officer as per the comments received from him. There is force in the submission made by the petitioner. The impugned Order is accordingly set aside. The matter is remitted back to the Financial Commissioner for deciding the Petition of the petitioner filed under Section 42 of the aforesaid Act on merits.</p> <p>Writ Petition stands disposed of.</p> <p>Parties to appear before the Financial Commissioner on 25th February, 2003.</p> <p><i>A.K. Sikri</i> A.K. SIKRI, J</p> <p>FEBRUARY 03, 2003. pd.</p>