

31.12.2007. Present: Mr. Subhash Sharma, Counsel for the petitioner.
Mr. Ram Murti Bisht, Dy. AG for respondents No. 1 to 4.

By means of this writ petition, the petitioners has prayed that order dated 9th January, 2007 passed by the Financial Commissioner (Appeals) Himachal Pradesh in Revision Petition No. 234 of 2006 (Annexure P-2) may be implemented in letter and spirit. The operative portion of the order passed by the Learned Financial Commissioner reads as follows:-

“When the case came up for hearing the learned ADA (Rev) for petitioner has stated that the recommendation made by the learned Collector, Sub Division, Nahan may be accepted. The learned counsel for respondents have not objected to the recommendation of the Collector to the extent that the demarcation may be given in the presence of D.F.O. Nahan. In view of the above submissions made on behalf of both the sides, the recommendation is accepted. Fresh demarcation should be given in the presence of D.F.O. Nahan and respondents.”

It is apparent that in terms of order of the Financial Commissioner, the fresh demarcation was to be effected in the presence of the D.F.O. Nahan as well as in the presence of the respondents before the Learned Financial Commissioner. Though almost one year has elapsed, this demarcation has not been conducted. The order of the Financial Commissioner has not been challenged by any party and in fact the said order was passed with the consent of all parties.

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Therefore, we dispose of this writ petition with a direction to respondent No. 3 to conduct the demarcation of the land in question in the presence of D.F.O. Nahan as well as in the presence of petitioner and

respondent No. 5, herein. The demarcation be positively conducted by
28.2.2008. Petition disposed of.

Dasti copy.

(Deepak Gupta), J.

December 31, 2007. ^(vs)

(V.K. Ahuja), J.