

CWP No. 16772 of 2015

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 16772 of 2015.
Date of Decision : 02.09.2015.**

Bhagwan Dass and others

...Petitioners

Versus

Financial Commissioner, Revenue, Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. R.S. Chahal, Advocate for the petitioners.

Mr. Rajneesh Chadwal, D.A.G., Haryana.

Mr. Ashok Kumar Verma, Advocate for respondent No. 4.

Paramjeet Singh, J.(Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for quashing the order dated 08.06.2015 (Annexure P-5) passed by respondent No. 1-Financial Commissioner, Revenue, Haryana.

Brief facts of the case are that respondent No. 4 filed a revision petition before the Commissioner, Hisar Division, Hisar against the order dated 05.05.2015 passed by District Collector, Fatehabad

(Annexure P-2). The Commissioner admitted the revision and stayed proceedings till the next date i.e. 03.06.2015 vide order dated 19.05.2015 (Annexure P-3). On 03.06.2015 the Commissioner did not hold Court and the case was adjourned to 08.07.2015 by the Reader. As there was no order extending the stay, respondent No. 4 filed revision before the Financial Commissioner. The Financial Commissioner vide order dated 08.06.2005 (Annexure P-5) ordered status quo till the Division Bench of Financial Commissioners take up the matter.

Learned counsel for the petitioners submits that the revision was filed by respondent No. 3 before the Division Bench of Financial Commissioners, Revenue, Haryana when actually, there was no Division Bench existing at that point of time. However, the learned Financial Commissioner, Revenue, Haryana has passed the impugned order dated 08.06.2015 (Annexure P-5). Both the parties are agreed that this order can be quashed. However, direction may be issued to the Commissioner, Hisar Division, Hisar to decide the pending proceedings in revision bearing No. ER-11958/Surplus dated 19.05.2015 within stipulated period.

With the consent of the parties, order dated 08.06.2015 (Annexure P-5) is quashed. The Commissioner, Hisar Division, Hisar is directed to decide the revision in which the order (Annexure P-3) has been passed. The same shall be done within a period of two months from the date of receipt of certified copy of this order.

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In the meantime, parties shall maintain status quo till disposal of the revision petition filed before the Commissioner.

Disposed of.

September 02, 2015.
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(PARAMJEET SINGH)
JUDGE