

CWP-22799-2014

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

CWP-22799-2014

Date of Decision: 21.08.2015

Rajo Devi and others

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Naresh Kaushal, Advocate,
for the petitioners.

Mr. Rajneesh Chadwal, DAG, Haryana.

Mr. Som Nath Saini, Advocate,
for respondent No.4.

Paramjeet Singh, J. (Oral)

Instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent No.2 to decide the statutory appeal dated 07.07.2014 (Anexure P-12) filed against the order dated 01.07.2014 and appeal dated 25.08.2014 (Annexure P-15) filed against the order dated 14.08.2014 passed by the Tehsildar (Sales), Panipat, in accordance with law. A prayer has also been made for withdrawing the order dated 19.09.2014 (Annexure P-16) passed by respondent No.2-Deputy

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Commissioner-cum-Commissioner (Sales), Panipat, during the pendency of statutory appeal before it, contrary to its own interim stay order dated 10.07.2014 (Amnnexure P-11).

Learned counsel for respondent No.5 submits that in compliance of order dated 05.08.2014, a fresh order dated 14.08.2014 has been passed, therefore, appeal dated 07.07.2014 (Anexure P-12) impugning the order dated 01.07.2014 has become infructuous. Learned counsel further contends that he has no objection, if the other appeal i.e. appeal dated 25.08.2014 (Annexure P-15) is directed to be decided within a stipulated period.

Learned counsel for the parties state that parties shall maintain status quo till decision of the appeal by respondent No.2.

I have heard learned counsel for the parties and perused the record.

In COCP No.1272 of 2014, a Coordinate Bench of this Court passed the following order on 05.08.2014:

“After hearing learned counsel for the parties, I am prima facie of the view that the order passed by Asha Rani, Tehsildar (Sales)-cum-Managing Officer, Faridabad, attached as Annexure R3/1, dated 10.7.2014 is contrary to the direction issued by this Court.

Learned counsel for the State thus, prays for an adjournment to seek instructions.

On his request, adjourned to 19.8.2014.”

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In pursuance of the order dated 05.08.2014, Tehsildar (Sales) Panipat wrote letter dated 14.08.2014 (Annexure P-14) with the averments that since appeal filed against the order dated 01.07.2014 has been found contrary to the directions issued by the Court, therefore, the same has become non-existent and appeal dated 07.07.2014 has become non-maintainable. Thereafter, Ms. Asha Rani, Tehsildar (Sales), Panipat passed the order dated 14.08.2014 (Annexure P-14) and against that, the petitioners herein have filed appeal dated 25.08.2015 (Annexure P-15).

In these circumstances, this Court is of the view that appeal dated 07.07.2014 impugning the order dated 01.07.2014 has already become infructuous. Respondent No.2-Deputy Commissioner-cum-Commissioner (Sales), Panipat is directed to disposed of the appeals filed by the petitioners, in accordance with law, within a period of two months from the date of receipt of certified copy of this order. Till then, parties are directed to maintain status quo with regard to the disputed property.

Disposed of in the aforementioned terms.

21.08.2015
parveen kumar

(Paramjeet Singh)
Judge