

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

Civil Writ Petition No.8479 of 2006

Date of Decision: November 28, 2016

Tarsem Kumar Aggarwal & Ors.

...Petitioners

Versus

Commissioner, Hisar Division, Hisar & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Ramnish Puri, Advocate, for
Mr.Akshay Bhan, Senior Advocate, for the petitioners.

Mr.Sandeep S.Mann, Sr.DAG, Haryana.

Mr.L.N.Verma, Advocate,
for respondent Nos.3, 5, 6, 10 to 12, 22, 30, 33, 34 & 39.

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the order dated 30.03.2006

(Annexure P-5) passed by the Commissioner, Hisar Division, Hisar,

adjourning the execution proceedings sine-die till the decision by this

Court in RSA No.523 of 1986 (*Amar Singh & Ors. vs. Kishan Dev*

through LRs), petitioners have approached this Court, by way of present

writ petition under Articles 226/227 of the Constitution of India, seeking

a writ in the nature of certiorari, for quashing the impugned order.

A Division Bench of this Court, vide its order dated 26.05.2006, issued notice of motion and the said order reads as under:-

“Counsel for the petitioners contends that although no stay was granted by the High Court in RSA No.523 of 1986 and C.W.P.No.12075 of 1996, yet, Commissioner, Hisar Division, Hisar, vide order dated 30.03.2006, has adjourned the proceedings sine die awaiting the decision of the High Court. It is contended that once the stay has specifically been denied, the Commissioner ought to have proceeded with the execution proceedings.

Notice of motion for 11.7.2006.

Dasti process also.”

It is a matter of record that above-said RSA No.523 of 1986 as well as CWP No.12075 of 1996 have been dismissed by this Court, vide detailed judgment dated 21.07.2016.

In view of the above said undisputed fact situation obtaining on the record of the present case, present writ petition is disposed of with a direction to the Commissioner, Hisar Division, Hisar, to proceed further with the execution proceedings, however, after a period of three months.

It is also clarified that in case the contesting respondents produce a copy of stay order granted by Hon'ble the Supreme Court within the period of

three months, learned Commissioner, Hisar Division, Hisar, shall proceed further accordingly. If no such order is shown to the Commissioner, Hisar Division, Hisar, he shall pass an appropriate order, however, strictly in accordance with law.

With the above observations made and directions issued, writ petition stands disposed of.

November 28, 2016

seema

(RAMESHWAR SINGH MALIK)

JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*