

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CWP No.17529 of 2016
Date of decision:29.8.2016**

Baljit Singh

...Petitioner

Versus

Collector-cum-Additional Deputy Commissioner, Fazilka and others
...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.C.M.Munjial, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the alleged inaction on the part of appellate authority, petitioner has approached this Court by way of instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of mandamus, directing the appellate authority to decide the statutory appeal of the petitioner or at least the stay application at an early date and till it is considered and decided, order under challenge in the appeal may be kept in abeyance.

Learned counsel for the petitioner submits that if the order (Annexure P-3), which is under challenge in the appeal, is not stayed, appeal of the petitioner would become infructuous and very purpose of filing of the appeal would be defeated.

After hearing the learned counsel for the petitioner at some length and without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, the present writ petition is disposed of, with a direction to the Collector-cum-Additional Deputy Commissioner, Fazilka-respondent No.1 to take up at least the stay matter at an early date and decide it without any further loss of time. He shall also be

at liberty to take up the appeal as well as stay matter together but a decision thereon would be required, so as to ensure that the appeal may not be rendered infructuous. However, it is made clear that till the stay application filed by the petitioner along with his statutory appeal is taken up, considered and decided by passing an appropriate order thereon, strictly in accordance with law, the operation of the order dated 24.6.2016 (Annexure P-3), which is under challenge in the statutory appeal, shall remain stayed.

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

29.8.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No