

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

**CWP No.18430 of 2016
Date of decision:6.9.2016**

Smt.Sushila Devi and others

...Petitioners

Versus

Commissioner Hisar Division, Hisar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Rose Gupta, Advocate for the petitioners.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the alleged inaction on the part of respondent authorities, petitioners have 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 certiorari/mandamus.

Learned counsel for the petitioners submits that he does not intend to press this writ petition for the writ in the nature of certiorari, for the time being. However, he submits that statutory appeal of the petitioners is pending consideration before the appellate authority-Commissioner Hisar Division, Hisar-respondent No.1, which is clear from the order dated 20.07.2016 (Annexure P-3). He further submits that although vide this order dated 20.07.2016, the case was adjourned for 04.08.2016, yet no effective order was passed on 04.08.2016 as well and the case now stands adjourned to 07.09.2016. Learned counsel for the petitioners further submits that the limited prayer made on behalf of the petitioners, at this stage, is that till the appeal filed by the petitioners or at least the stay application moved along with the said appeal is considered and decided, the dispossession of the petitioners may be ordered to be stayed and the appellate authority may

also be directed to decide the appeal at an early date, in accordance with law.

Having heard the learned counsel for the petitioners and without expressing any opinion on the merits of case, lest it should prejudice the rights of either of the parties, the present writ petition is disposed of, with a direction to the Commissioner Hisar Division, Hisar-respondent No.1, to consider and decide the appeal of the petitioners at an early date, by passing an appropriate order thereon. He shall also be at liberty to take up the stay application first and decide the same by passing an appropriate order. However, till the stay matter is taken up and decided by respondent No.1 by passing an appropriate order on the stay application, dispossession of the petitioners shall remain stayed.

Let respondent No.1 pass an appropriate order on the stay application and also decide the appeal, strictly in accordance with law.

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

6.9.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No