

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

CWP No.23573 of 2016

Date of decision: 15.11.2016

Banarsi Dass and another

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. M.K. Singla, 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 present writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of mandamus.

Learned counsel for the petitioners submits that against the orders dated 05.07.2016 and 14.10.2016 (Annexures P-2 and P-3), petitioners filed their statutory appeal (Annexure P-4) along with stay application (Annexure P-5), which was registered with respondent No.2, vide file No.677 as far back as on 20.10.2016, but even the stay matter has not been taken up for hearing, thereby causing serious prejudice to the petitioners. He further submits that petitioners will be satisfied in case respondent No.2 is directed to consider at least the stay matter, at an early date, by passing an appropriate order thereon.

Having heard the learned counsel for the petitioners and without expressing any opinion on merits of the case, lest it should prejudice the rights

of either of the parties, present writ petition is disposed of, with a direction to Director, Food, Civil Supplies and Consumer Affairs, Punjab-respondent No.2 to consider the appeal and stay application moved by the petitioners, at the early date and disposed of the same, by passing an appropriate order thereon, strictly in accordance with law.

Respondent No.2 shall be at liberty to take up the stay matter during pendency of the statutory appeal of the petitioners and pass an appropriate order thereon, so as to ensure the statutory appeal of the petitioners may not be rendered infructuous. However, keeping in view the peculiar facts and circumstances of the case noticed hereinabove and also to ensure that statutory appeal of the petitioners may not be rendered infructuous, in the absence of any interim order passed in their application, operation of the impugned orders dated 05.07.2016 and 14.10.2016 (Annexures P-2 and P-3) passed by District Controller, Food, Civil Supplies and Consumer Affairs, Faridkot shall remain stayed, till the stay matter is heard and decided by respondent No.2, by passing an appropriate order.

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

15.11.2016

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[RAMESHWAR SINGH MALIK]
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No