

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.24489 of 2016
Date of decision: 29.11.2016

Balwinder Kaur

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. P.K. Ganga, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the alleged inaction on the part of respondent authorities, petitioner has 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 petitioner submits that on the one hand, election petition (Annexure P-1) is pending against the petitioner and on the other hand, order (Annexure P-4) has been passed against her. When she filed her statutory appeal before respondent No.1 vide Annexure P-6 and the stay application (Annexure P-5), those are not being taken up for hearing and in the absence of any interim order, serious prejudice is being caused to the petitioner. He further submits that petitioner will be satisfied in case respondent No.1 is directed to consider and decide the appeal filed by the petitioner at an early date and till then, order (Annexure P-4) may be ordered to be kept in abeyance.

Having heard the learned counsel for the petitioner 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 Financial Commissioner, Panchayat and Rural Development, Haryana-respondent No.1 to take up the statutory appeal of the petitioner for hearing at an early date or at least the stay matter may be heard, without any further loss of time, by passing an appropriate order thereon, strictly in accordance with law.

However, keeping in view the peculiar facts and circumstances of the case noted above, it is directed that till the appropriate order is passed by Financial Commissioner, Panchayat and Rural Development, Haryana-respondent No.1 on the stay application moved by the petitioner, order dated 28.10.2016 (Annexure P-4) passed by Deputy Commissioner, Sirsa shall be kept in abeyance.

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

[RAMESHWAR SINGH MALIK]
JUDGE

29.11.2016

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No