

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

**Civil Writ Petition No. 24693 of 2016
Date of Decision: 30.11.2016**

Pritam Kaur and another

.....Petitioners

Vs.

Financial Commissioner Punjab (Appeal) and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Dheeraj Mahajan, 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 Article 226/227 of the Constitution of India, seeking a writ in the nature of Prohibition/Mandamus.

Learned counsel for the petitioners, at the very outset, fairly states that he does not intend to press this petition qua the writ of Prohibition for the time being. He submits that although the petitioners have filed their revision petition vide Annexure P-6 before the Financial Commissioner, availing their statutory remedy against orders Annexures P-1 to P-3 passed by the subordinate revenue authorities, yet warrants of possession are being sought to be executed against the petitioners, with a view to render their revision petition infructuous. He further submits that petitioners will be satisfied in case respondent No.1 is directed to consider their revision

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petition and decide the same at an early date, by passing an appropriate order, after hearing both the parties and till then, warrants of possession may not be executed against the petitioners, so as to avoid any manifest injustice to them.

Having heard the learned counsel for the petitioners and without expressing any opinion on the 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 the Financial Commissioner, Punjab (Appeals)-respondent No.1 to consider the revision petition filed by the petitioners vide Annexure P-6 and decide the same at an early date by passing an appropriate order thereon, strictly in accordance with law and also after granting due opportunity of being heard to both the parties.

However, keeping in view the peculiar facts and circumstances of the case and also to ensure that revision petition filed by the petitioners may not render infructuous, it is directed that till the Financial Commissioner hears and decides the revision petition filed by the petitioners, warrants of possession, if any, issued against the petitioners, shall be kept in abeyance.

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

(RAMESHWAR SINGH MALIK)
JUDGE

30.11.2016
Ak Sharma

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No