

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

**Civil Writ Petition No. 26229 of 2016
Date of Decision: 17.12.2016**

Chanan Singh and others

.....Petitioners

Vs.

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Durga Dutt Sharma, 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 Mandamus.

Learned counsel for the petitioners submits that against the order dated 4.10.2016 passed by the Commissioner, Hisar Division, whereby revision of the petitioners against ejectment orders, was dismissed, petitioners approached the Financial Commissioner, Revenue, Haryana-respondent No.1 by way of revision petition (Annexure P-2) alongwith stay application. However, when the matter came up for hearing before the Financial Commissioner on 8.12.2016, he stayed the dispossession of the petitioners only qua their *Dhani* (constructed area), but their dispossession from the land in question was not stayed, while adjourning the case for 12.1.2017. He further submits that if dispossession of the petitioners from the land in question is not stayed, they will suffer a manifest injustice and

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their revision petition will be rendered infructuous. He concluded by submitting that petitioners will be satisfied in case respondent No.1 is directed to consider and decide their revision petition at an early date and till then, dispossession of the petitioners from the land under their cultivation may be stayed.

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, Revenue Department, Haryana-respondent No.1 to consider and decide the revision petition filed by the petitioners at an early date, by passing an appropriate order thereon, strictly in accordance with law and after granting opportunity of being heard to all the effected parties.

However, keeping in view the peculiar facts and circumstances of the case noted above and also to ensure that revision petition filed by the petitioners may not be rendered infructuous in the absence of any stay qua their dispossession from the land under their cultivation, it is directed that till the revision petition is heard and decided by the Financial Commissioner, dispossession of the petitioners qua their *Dhani* as well as land under their cultivation shall remain stayed.

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

17.12.2016
Ak Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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