

CWP-8448-2016

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

CWP-8448-2016

Date of Decision: 09.05.2016

Jasbir Singh

... Petitioner(s)

Versus

Commissioner, Ferozepur Division, Ferozepur and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Harsh Bunker, Advocate,
for the petitioner.

Mr. B.S.Cheema, DAG, Punjab.

Mr. Sukhdip Singh Brar, Advocate,
for respondent No.4.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the action of respondent No.1 for not deciding the stay application filed along with revision petition against the order dated 05.11.2015 (Annexure P-3), pending before it.

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Vide order dated 04.05.2016, notice of motion was issued and the Commissioner, Ferozepur Division, Ferozepur was directed to decide the stay application on 05.05.2016 positively.

Learned State counsel has produced the attested copy of the order dated 05.05.2016 whereby stay application has been decided.

If the petitioner still feels aggrieved against the order dated 05.05.2016, he will be at liberty to challenge the same before the appropriate authority. The attested copy of order dated 05.05.2016, produced in the Court today, has been supplied to learned counsel for the petitioner for the purpose of challenging the same and zerox copy thereof has been retained on the file. If the said order is challenged, the office of Financial Commissioner, Punjab shall not raise the objection that certified copy has not been filed by the petitioner s it is an attested copy which has been handed over to the learned counsel for the petitioner and it will be deemed to be supplied to the petitioner today.

Learned counsel for the petitioner states that meanwhile possession of some land has been delivered to the private respondents. This issue cannot be decided, at this stage, because revision petition is pending before the Commissioner, Ferozepur Division, Ferozepur and if any finding is recorded on merit, it will certainly tantamount to deciding the revision petition. This Court is not required to observe whether possession has been delivered or not. Even if for want of stay, the possession is delivered, the competent authority has power to restore the same in view of law laid down in ***Ram Kumar Agarwal and another***

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vs. Thawar Das (dead) through LRs 1999(2) Civil and Rent Judicial
Reports, 459 (S.C)

Disposed of in the aforementioned terms.

09.05.2016
parveen kumar

(Paramjeet Singh Dhaliwal)
Judge