

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

LPA No.778 of 2016 (O&M)

Date of Decision : 10.5.2016

Kanwarjit Singh

....Appellant

Versus

The Financial Commissioner and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MRS.JUSTICE LISA GILL

....

1. Whether Reporters of Local Newspapers 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.Dilraj Singh Brar, Advocate
for the appellant.

.....

MAHESH GROVER, J.

The appellant has filed the instant appeal making a grievance of the order passed by the learned Single Judge dated 29.3.2016 admitting the writ petition and granting status quo to be maintained inter se between the parties.

The writ petition emanated from a dispute centering on partition of land situated in two villages, namely, Gondara and Bargari. According to the appellant, the partition proceedings concluded and it is residual dispute regarding the passage which

held up the partition process. Two writ petitions came to be filed one bearing No.10430 of 2011 and the other bearing No.9142 of 2011 (from which the present appeal has arisen). In the first writ petition the matter was remanded back to the Financial Commissioner, who, we are informed, has further relegated the matter to the Assistant Collector for ascertainment of the factum of passage.

Learned counsel for the appellant contends that if the writ petition remains admitted with the order of status quo, then any result arrived at by the revenue authorities in the proceedings arising out of the second writ petition (No.10430 of 2011) would be frustrated and the interim order would clearly be obstructive to the settlement of proceedings.

We find that this apprehension of the appellant is fair and therefore, we would like to dispose of the instant appeal with merely a direction that in case some fruitful result to the satisfaction of both the parties is arrived at in the proceedings before the Assistant Collector, the appellant would be at liberty to make an appropriate application before the writ court for disposal of the proceedings or alteration of the interim order. Since no order adverse to the private respondent is being passed in the present appeal, it would not be necessary to issue notice to him, rather it would be open to either of the parties to get the order

of the writ court modified after culmination of the proceedings of the revenue authorities arising out of writ petition No.10430 of 2011.

Appeal disposed of.

(MAHESH GROVER)
JUDGE

10.5.2016
dss

(LISA GILL)
JUDGE