

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.11355 of 2017
Date of decision:23.05.2017

Sumer Chand

... Petitioner

Vs.

Financial Commissioner (Revenue) Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sherry K. Singla, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Learned counsel for the petitioner submits that against the orders dated 22.05.2014 and 28.02.2017, the petitioner had preferred revision along with an application for interim stay before the Financial Commissioner. Zimni orders show that the Presiding Officer is not holding the Court. The zimni orders extracted in the writ petition read as under:-

*“The P.O busy in Tour. Hence the case is adjourned to
01.05.2017 at 3.00 P.M.*

*Chd. Dated 24.04.2017 S.J.
For F.C.Haryana.”
The P.O is on leave. Hence the case is adjourned to 22.05.2017
at 3.00 P.M.*

*Chd. Dated 01.05.2017 S.J.
For F.C.Haryana.”*

In view of the non-availability of the Presiding Officer, the

petitioner is being prevented to seek remedy of interim stay, though other party was pondering upon to execute the order of the partition/instrument of partition.

Notice of motion.

On asking of the Court, Mr. Rajbir Singh, AAG, Haryana accepts notice on behalf of the respondents-State.

I am of the view that once the petitioner has filed ROR bearing No.337 of 2016-17 along with application for interim stay, he cannot be rendered remediless for seeking interim protection. The officers are supposed to be sensitive to this issue and only on account of non-availability of Presiding Officer, the final Court in the hierarchy of revenue Court should not remain without any representation.

In view of the aforementioned observations, I dispose of the present writ petition with a direction to the Financial Commissioner to decide the aforesaid ROR along with interim application, particularly the interim application as expeditiously as possible preferably within a period of one week from today. Till then, there shall be interim stay.

A photocopy of this order be given dasti to the learned counsel for the petitioner under the signatures of the Reader attached to this Court.

May 23, 2017

savita

Whether Speaking/Reasoned

Whether Reportable

(AMIT RAWAL)

JUDGE

Yes/No

Yes/No