

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.153 of 2017
DATE OF DECISION: January 10,2017

Rajni Bala

...Petitioner

versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.Dheeraj Mahajan, Advocate for the petitioner.

AMIT RAWAL, J.

The petitioner has approached this Court for issuance of an appropriate writ, order or direction, especially, in the nature of prohibition for staying the order dated 3.6.2016, Annexure P.2, passed by respondent No.3, namely, Sub Divisional Magistrate, Gurdaspur, whereby the appeal preferred against the order dated 9.4.2015, Annexure P.1, passed by respondent No.4, Tehsildar-cum-Assistant Collector Ist Grade, Gurdaspur was dismissed and consequently warrants of possession in respect of the proceedings initiated after finalization of the partition proceedings was issued, on the premise that the revision filed before the Commissioner, Jalandhar Division, Jalandhar

on 21.12.2016 along with the application for stay is pending, and owing to the elections in the Punjab Legislative Assembly, the Commissioner is not holding the Court. The copy of the grounds of revision has been annexed with the present petition and the copy of the application for stay has been shown during the course of proceedings before this Court.

Notice of motion.

On the asking of Court, Mr.Yatinder Sharma, Additional Advocate General, Punjab, accepts notice on behalf of respondent Nos.1 to 5 and does not dispute the factum of election in the Punjab Legislative Assembly and the declaration of the Code of Conduct.

I have heard learned counsel for the parties and perused the records.

The elections in the State of Punjab are slated for 4.2.2017 and owing to the aforesaid fact, noticed above, the Commissioner is not holding the Court and as such no person can be rendered remediless.

In the peculiar facts and circumstances of the case, I deem it appropriate to grant interim protection staying the operation of the impugned orders till 12.2.2017.

Thereafter the petitioner shall be at liberty to seek interim

relief before the Commissioner, Jalandhar Division,
Jalandhar.

With the aforesaid observations, the writ petition
is disposed of accordingly.

January 10,2017
KD

(AMIT RAWAL)
JUDGE

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