

**CWP No.377 of 2017**

**{1}**

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

**CWP No.377 of 2017  
Date of decision:23.01.2017**

Saroop Singh and others

... Petitioners

Vs.

Manmohan Singh and others

... Respondents

**CWP No.389 of 2017**

Saroop Singh and others

... Petitioners

Vs.

Manmohan Singh and others

... Respondents

**CWP No.390 of 2017**

Saroop Singh and others

... Petitioners

Vs.

Manmohan Singh and others

... Respondents

**CWP No.392 of 2017**

Saroop Singh and others

... Petitioners

Vs.

Manmohan Singh and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Mohan Lal Singla, Advocate  
for the petitioners.

**AMIT RAWAL J. (Oral)**

**C.M.No.686 of 2017 in CWP No.377 of 2017**

The application is allowed, subject to all just exceptions. The interim orders passed by Financial Commissioner (Revenue), Haryana in ROR bearing Nos.182, 183, 394 and 395 of 2014-15, are taken on record.

**CWP Nos.377, 389, 390 and 392 of 2017**

The contention of Mr. Mohan Lal Singla, learned counsel for the petitioners is that zimni orders passed in ROR bearing Nos.182, 183, 394 and 395 of 2014-15, have been annexed with the civil miscellaneous application bearing No.686 of 2017. Perusal of the same reflects that during the pendency of the aforementioned cases, respondent No.7-Sub Tehsildar-cum-Assistant Collector, Ist Grade has issued warrants of possession for implementation of the order of sanad takshim, i.e. partition deed (Annexure P-5). He further submits that if the aforementioned order would be implemented, purpose of aforementioned RORs would be rendered infructuous.

Notice of motion.

On asking of the Court, Mr. Sandeep Singh Mann, learned Senior Deputy Advocate General, Haryana accepts notice on behalf of the respondents-State and assures this Court that the concerned officer shall decide the application for stay (Annexure P-9) filed along with RORs.

In view of the aforementioned, I deem it appropriate to dispose of the present writ petitions with a direction to respondent No.8 to decide

the application for interim stay as the same is not being taken up with the cases bearing Nos.182, 183, 394 and 395 of 2014-15 and no date was fixed after 10.01.2017 in the aforementioned RORs pending before the Financial Commissioner, Haryana. Respondent No.8 is directed to decide the application for stay keeping in view the subsequent event, i.e., impugned order dated 31.10.2016 (Annexure P-8), whereby, the warrant of possession has been issued for implementation of the partition deed, as expeditiously as possible preferably within a period of two weeks from today. However, impugned order dated 31.10.2016 (Annexure P-8) shall remain stayed till the Financial Commissioner pass an order in the application for stay and the Financial Commissioner would also take care of the fact that the petitioners would not unnecessarily delay the adjudication of the lis under the garb of interim stay.

The Civil Writ Petitions stand disposed of.

(AMIT RAWAL)  
JUDGE

January 23, 2017  
savita

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |