

CWP No.8409 of 2017

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

CWP No.8409 of 2017

Date of decision:25.04.2017

Iqbal Singh and others

... Petitioners

Vs.

Assistant Collector Ist Grade, Majitha,
Amritsar & others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sandeep Sharma, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioners are stated to have filed an appeal before the SDO-cum-Collector challenging the order dated 13.02.2017 accompanied by an application for stay but the same has not been decided. Vide order dated 15.03.2017, Annexure P-4, warrants of entry has been issued.

Notice of motion.

On asking of Court, Mr. Yatinder Sharma, Additional Advocate General, Punjab accepts notice on behalf of the respondents-State.

I have heard learned counsel for the parties, appraised the paper book and of the view that the petitioners are stated to have availed the statutory remedy of appeal and therefore, SDO-cum-Collector is required to re-consider the appeal along with application pragmatically and objectively. In case, the execution of the partition application is allowed by the Tehsildar, purpose of appeal would be rendered infructuous.

In view of the aforementioned observations, the present writ petition is disposed of with a direction to respondent No.2, SDO-cum-Collector, Majithia, Amritsar to decide the appeal of the petitioners along with application for stay as expeditiously as possible by effecting service upon all the respondents preferably within a period of three months from the date of receipt of a certified copy of this order.

In the meanwhile, there shall be stay qua order of the Tehsildar-cum-Assistant Collector 1st Grade.

(AMIT RAWAL)
JUDGE

April 25, 2017
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No