

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.871 of 2018
Date of decision:09.02.2018

Harkishan

... Petitioner

Vs.

Commissioner of Rohtak Division, Rohtak and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Som Nath Saini, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner has approached this Court under Article 227 of the Constitution of India for issuance of appropriate order or direction to respondent no.1- Commissioner, Rohtak Division, Rohtak Camp at Sonapat to take decision on the application for stay which is pending adjudication since August 2015, whereby, the order of ejectment under the provisions of Section 7 of Punjab Common Village Land Act, 1961 as applicable to Haryana, had been passed.

Mr. Som Nath Saini, learned counsel appearing on behalf of the petitioner submitted that in view of the eviction order passed by the Revenue Officer, the petitioner had already availed the remedy of appeal before the Collector which was dismissed, vide order dated 09.04.2015. The

revision petition alongwith application for stay (Annexure P-3) was filed on 26.08.2015 but as per the zimni/interim orders (Annexure P-4) commencing from 03.09.2015 to 04.01.2018, the application, much less the revision have not been taken so far. However, in the meanwhile, Gram Panchayat had issued notice dated 15.11.2017 under Section 24(1) of Haryana Panchayati Raj Act, 1994 for implementation of the eviction order. In case, the aforementioned order is implemented, the petitioner would be rendered remediless, much less serious prejudice would be caused.

I have heard the learned counsel for the petitioner and appraised the paper book.

A perusal of the zimni/interim orders (Annexure P-4) shows that on many dates, the Presiding Officer was not on leave but also busy in administrative work. Once the Presiding Officer, not below the rank of Commissioner, has been assigned the work under the Punjab Common Village Land Act, 1961, he has to equally devote time for that work also realizing that it would have serious consequences for want of redressal of grievances of the effected party, particularly, in case of present nature where the Gram Panchayat had already taken steps to take possession.

Keeping in view the peculiar facts and circumstances of the present case, I deem it appropriate to dispose of the present revision petition with a direction to respondent no.1 to decide the application for interim stay (Annexure P-3) purported to have been filed alongwith revision petition against the impugned orders dated 09.04.2015 and 06.09.2010 within a

(AMIT RAWAL)
JUDGE

Yes/No