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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11547-2017

Date of Decision: October 11, 2018

Raja Ram

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr.R.K.Verma, Advocate for the petitioner.

Mr.Ankur Mittal, Addl.|AG, Haryana with
Mr.Manoj Dhankhar, AAG, Haryana.

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RAJESH BINDAL, J.

The petitioner approached this Court challenging the order dated 04.01.2017, Annexure P-1. The aforesaid order noticed that Appeal No.350 filed by the petitioner had also been decided earlier. The authorities noticed error in the aforesaid order. Corrigendum was issued on 12.01.2018 clarifying that in fact Appeal No.350 filed by the petitioner had not been decided and the same was still pending before the Consolidation Officer.

During pendency of the present petition, the aforesaid appeal has been decided vide order dated 28.09.2018, Annexure R-1 with affidavit dated 04.10.2018.

It is not in dispute that the aforesaid order passed by the Consolidation Officer is appealable before the Settlement Officer (Consolidation) under Section 21(3) of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948.

Learned counsel for the petitioner submitted that he may be permitted to withdraw the present petition with liberty to avail remedy of appeal against the order dated 28.09.2018 passed by the Consolidation Officer, copy of which was supplied to the petitioner on 05.10.2018. However, he prays that as dispute in the present case pertains to a passage which the petitioner is using for the last more than five decades, the status quo, as existing today, may continue for a period of two weeks to enable the petitioner to file appeal alongwith application for interim stay before the Appellate Authority.

Learned counsel for the respondents does not have any objection if prayer of the petitioner is granted.

Dismissed as withdrawn with liberty aforesaid. However, it is made clear that status quo, as existing today regarding the passage in dispute, shall continue till 31.10.2018 to enable the petitioner to avail his remedy of appeal. It is further made clear that after 31.10.2018, the parties shall abide by any interim order passed by the Appellate Authority which shall not be influenced by the fact that this Court has granted interim stay and the matter shall be examined on merits only.

(RAJESH BINDAL)
JUDGE

October 11, 2018
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(MAHABIR SINGH SINDHU)
JUDGE

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No
Yes/No