

C.W.P. No. 10695 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 10695 of 2018

DATE OF DECISION:01.05.2018

Kashmir Singh Sarpanch

.....Petitioner

Versus

State of Punjab and others

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Baldev S. Sidhu, Advocate
for the petitioner.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of order dated 15.3.2018, whereby, an application for interim stay has been dismissed by respondent No.2, whereas, the appeal is still pending.

Learned counsel for the petitioner contends that under the similar circumstances, Surjan Singh Sarpanch and Jasbir Kaur Panch have approached this Court by way of filing C.W.P. Nos. 6551 of 2018 and 6539 of 2018, respectively, which were disposed of with a direction to respondent No.1 to decide the pending appeal. Learned counsel further contends that the petitioner would be satisfied in case similar directions are issued by this Court in the case of petitioner as well.

Heard the arguments advanced by learned counsel for the petitioner and have also gone through the impugned order.

Admittedly, the appeal is pending and only an application for interim stay has been decided. In absence of decision of the appeal, the decision on the application for interim stay is going to frustrate the purpose of filing the appeal.

Accordingly, the present petition is disposed of with a direction to respondent No.1 to decide the pending appeal of the petitioner on the date fixed i.e. 3.5.2018. However, in case, for any sufficient reason, the appeal is not decided on that day, the same be decided within a period of two weeks thereafter.

Meanwhile, operation of impugned order dated 22.1.2018 (Annexure P-2) shall remain stayed till decision of the appeal.

However, it is made clear that any observation made hereinabove shall not be taken as an expression of opinion while deciding the appeal.

May 01, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes