

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

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Civil Writ Petition No.4124 of 2019
Date of Decision: April 3rd, 2019

Anoop Singh

...Petitioner

Versus

Commissioner Jalandhar Division Jalandhar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rajesh K. Dadwal, Advocate
for the petitioner.

Mr. Charanpreet Singh, Assistant Advocate General, Punjab.

Mr. G.S. Nagra, Advocate
for respondents No.8, 9, 14 and 15.

Mr. Saurabh Arora, Advocate
for respondent No.14.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 15.02.2019, following order was passed:-

“It is the contention of learned counsel for the petitioner that after the dismissal of the appeal of the petitioner by the Collector, Majitha, revision petition has been preferred on 04.02.2019 by him, which is pending before the Commissioner, Jalandhar Division, Jalandhar. After issuance of notice, the next date fixed for hearing was 26.03.2019.

In the interregnum, the private respondents have filed an application for revival of the execution application, which has been preferred by them in pursuance to the initial order passed by the Tehsildar-cum-Assistant Collector Ist Grade, Majitha, District Amritsar, in which warrant of possession has now been issued by the Tehsildar, there being no stay granted by the revisional authority as of now, he is likely to issue warrant of possession. He, thus, contends that status-quo with regard to possession be maintained till the decision of the revision petition preferred by the petitioner.

Let two copies of the writ petition be handed over to Mr.Charanpreet Singh, Assistant Advocate General, Punjab,

who shall seek instructions from the respondents with regard to the assertions made by counsel for the petitioner as recorded above.

List for consideration on 07.03.2019.

Status quo with regard to possession shall be maintained till the next date of hearing.”

In pursuance thereto, it has been brought to the notice of the Court that the Commissioner, Jalandhar Division, Jalandhar, has fixed the revision petition for consideration on 30.04.2019.

Counsel for respondents 8, 9, 14 and 15, who have appeared voluntarily, have acknowledged the factum that the revision petition is fixed for the said date. It is also not disputed that along with the revision petition, an application for stay has also been preferred by the petitioner, which has till date not been decided.

In view of the above, the present writ petition is disposed of with directions to Commissioner, Jalandhar Division, Jalandhar-respondent No.1 to consider and decide the application for stay as preferred by the petitioner on 30.04.2019 or whichever date convenient to the Commissioner.

It is open to the Commissioner to even decide the main revision petition as well in accordance with law.

It is further clarified that the interim order dated 15.02.2019 passed by this Court shall operate at least till the decision is taken on the application for stay preferred by the petitioner.

April 3rd, 2019

Puneet

**AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned:

Yes

Whether Reportable:

No