

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-16851-2019
Date of Decision:01.07.2019

Sukhbir Singh

. Petitioner

Vs.

The Financial Commissioner (Revenue) Haryana and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE ARUN KUMAR TYAGI

Present: - Mr.Hawa Singh Hooda, Sr. Advocate, with
Mr.Chandra Shekhar Singh, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has prayed for the issuance of a writ in the nature of mandamus for seeking a restraint order against the Gram Panchayat/respondent No.4 from taking forceful possession from him under the garb of the order passed by the Collector, Yamuna Nagar dated 31.10.2018 and the Commissioner, Ambala Division, Ambala dated 24.4.2019, during the pendency of ROR No.520 of 2019 before the Financial Commissioner (R), Haryana.

In brief, the petitioner had filed a suit in terms of Section 13A of the Punjab Village Common Lands (Regulation) Act, 1961 [for short 'the Act'] before the Collector, Yamuna Nagar for seeking a declaration that he is one of the co-sharers of the land measuring 870 kanals 13 marlas, situated

in the revenue estate of Village Chabutron, Hadbast No.232, Tehsil Jagadhri now Tehsil Bilaspur, District Yamuna Nagar. The said suit was dismissed by the Collector, Yamuna Nagar vide his order dated 31.10.2018 holding that the land in dispute is in fact *shamlat deh* and would vest in the Gram Panchayat. The petitioner along with another co-sharer had filed the statutory appeal before the Commissioner, Ambala Division, Ambala. It is alleged that since the said appeal was not decided in time and the rights of the petitioners were adversely affected, therefore, the petitioner approached this Court by way of CWP No.843 of 2019 which was disposed of on 23.1.2019 with a direction to the Commissioner, Ambala Division, Ambala to decide the appeal within the prescribed period. The said appeal has also been dismissed by the Commissioner, Ambala Division, Ambala on 24.4.2019 against which the petitioner has filed a revision i.e. ROR No.520 of 2019 on 28.5.2019 with the application for stay in which the office of the Financial Commissioner has allegedly given the date of hearing as 18.9.2019. Since the application for stay was not taken up for the purpose of its adjudication and the petitioner is facing threat of dispossession, he has filed this petition.

We have heard learned counsel for the petitioner and after perusal of record, are of the opinion that the ends of justice would be met if a direction is disused to the concerned Financial Commissioner, who is seized of ROR No.520 of 2019, filed by the petitioner, to decide at least the application for stay, alleged to have been filed by the petitioner, on a particular date, by passing a reasoned order.

With these observations, the present petition is hereby disposed of with a direction to respondent No.1, who is seized of ROR No.520 of

2019, to decide the application for stay by preponing the date of hearing from 18.9.2019 to 03.07.2019 and by passing a reasoned order.

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(RAKESH KUMAR JAIN)
JUDGE

01.07.2019
Vivek

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking /reasoned : *Yes/No*
Whether Reportable : *Yes/No*