

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

128

**CWP No.27385 of 2019
Date of Decision: 23.09.2019**

Ashok Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present : Mr. Vikram 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 seeking a direction to respondent No.2 who is allegedly seized of a petition filed under Section 47-A of the Haryana Panchayati Raj Act, 1994 (for short, “the Act”) in which the petitioner has challenged the resolutions dated 26.05.2019 and 12.04.2019 by which the land in question has been decided to be converted into a *Choupal* which is otherwise in the nature of *Chah Aabpasi/Kaun Ki Kami* falling in *Khasra* No.114.

It is submitted that the application for stay filed along with the said petition was listed on 16.09.2019. The petitioner filed an application for pre-ponement and it was pre-poned to 12.09.2019. However, on the said date, respondent No.2 did not hold the Court and the case was adjourned to 16.09.2019 but on that date also he did not hold the Court. Now the case is fixed for 26.09.2019. It is submitted that since the *Choupal* is under construction, therefore, every day counts in this litigation because once the *Choupal* is constructed, then it

would be very difficult for the petitioner to seek *status quo ante*. An innocuous prayer, thus, is made that a direction may be issued to respondent No.2 to decide at least the stay application which is listed on 26.09.2019, in one way or the other.

We have heard counsel for the petitioner and perused the record with his able assistance. Keeping in view the prayer made by the petitioner, we do not intend to issue notice to the respondents at this stage because the next date before respondent No.2 is fast approaching. Therefore, while disposing of the writ petition, we direct respondent No.2, stated to be seized of the petition filed under Section 47-A of the Act as well as the application for stay, to decide at least the application for stay on 26.09.2019 i.e. the date already fixed, in one way or the other, after giving an opportunity of hearing to the petitioner and by passing a speaking order.

(RAKESH KUMAR JAIN)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

23.09.2019
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No