

**CWP-7551-2020(O&M);
CWP-7561-2020(O&M);
CWP-7572-2020(O&M); and
CWP-7609-2020(O&M)**

201

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

**CWP No.7551 of 2020(O&M)
Date of decision: 25.09.2020**

(1)

Paramjeet Singh and another

.....Petitioners

V/s.

State of Haryana and others

.....Respondents

**CWP No.7561 of 2020(O&M)
Date of decision: 25.09.2020**

(2)

Paramjeet Singh and another

.....Petitioners

V/s.

State of Haryana and others

....Respondents

**CWP No.7572 of 2020(O&M)
Date of decision: 25.09.2020**

(3)

Paramjeet Singh and another

.....Petitioners

V/s.

State of Haryana and others

.....Respondents

**CWP-7551-2020(O&M);
CWP-7561-2020(O&M);
CWP-7572-2020(O&M); and
CWP-7609-2020(O&M)**

**CWP No.7609 of 2020(O&M)
Date of decision: 25.09.2020**

(4)

Paramjeet Singh and another

.....Petitioners

V/s.

State of Haryana and others

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Jagdish Manchanda, Advocate, for the petitioners.
Mr. Rajesh Gaur, Additional Advocate General, Haryana, and
Mr. Minderjeet Yadav, Deputy Advocate General, Haryana.
Mr. Ravi Dutt Sharma, Advocate, for respondent Nos. 3 to 6.
Mr. Ravi Gakhar, Advocate, for respondent No.7.

Sanjay Kumar, J.

**CM-4898-CWP-2020 in
CWP-7561-2020 and
CM-4902-CWP-2020 in
CWP-7572-2020**

Time is granted for complying with all legal formalities.

Registry shall furnish certified copies of the final order
in the main cases only after due compliance.

These applications are disposed of accordingly.

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Main cases

The petitioners, two in number, are common in these four writ petitions. They assail the separate orders dated 11.03.2020 passed by the Assistant Collector Grade-I, Guhla, District Kaithal, Haryana, adjourning *sine die* the partition proceedings initiated by them. They contend that this was done without considering the fact that no stay order had been passed in Regular Second Appeal No.6338 of 2018 pending before this Court.

Interim orders were passed in all these four cases staying the operation of the impugned orders dated 11.03.2020 and directing the partition proceedings to go on. Vacate stay applications were filed by the unofficial respondents in all four cases, aggrieved by the aforestated interim orders. Reference was made therein to the fact that another writ petition, *viz.*, CWP-7676-2020 was filed by the very same writ petitioners against an identical order dated 11.03.2020 passed by the Assistant Collector Grade-I in relation to another partition proceedings and the said writ petition was disposed of relegating the writ petitioners to the statutory appellate remedy. On this ground, the unofficial respondents contended that the petitioners could not be permitted to maintain the present writ petitions before this Court.

Perusal of the order dated 02.06.2020 passed in CWP-7676-2020 demonstrates that the learned Judge took note of the fact that the impugned order dated 11.03.2020 was appealable

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under Section 13 of the Punjab Land Revenue Act, 1887, and accordingly disposed of the writ petition permitting the petitioners therein to file an appeal within a time frame. The appellate authority was required to dispose of the appeal thereafter within the stipulated time.

Mr. Jagdish Manchanda, learned counsel for the petitioners in these four cases, does not dispute the fact that the present writ petitioners were the petitioners in the aforesaid case and that there is not an iota of difference between the orders impugned in the present cases and the order which was the subject matter of CWP-7676-2020.

That being so, it is not open to the writ petitioners to pursue parallel remedies simultaneously against identical orders even if they are in relation to separate partition proceedings. Further, it is not as if the appellate authority would be helpless, be it in granting final relief or interim relief. Jurisdictional errors can also be addressed by the statutory appellate authority and it is not necessary that this Court alone should exercise extra-ordinary jurisdiction under Article 226 of the Constitution to correct such errors.

The petitioners are accordingly permitted to invoke the statutory appellate remedy provided to them against the impugned orders dated 11.03.2020 in accordance with due procedure within a fortnight from the date of receipt of a certified copy of this order.

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It shall also be open to them to seek appropriate interim relief by way of separate applications filed in such appeals. The appellate authority shall thereupon endeavour to dispose of the appeals within four months. In the interregnum, if the petitioners seek any interim relief, the appellate authority shall duly consider the said interlocutory applications on their own merits and in accordance with law and dispose of the same within three weeks, after giving due opportunity of hearing to all parties concerned.

The writ petitions are disposed of with the above directions. Interim orders in all the cases shall stand vacated.

Pending miscellaneous applications in all four cases, including the vacate stay applications, shall stand disposed of in the light of this final order.

No order as to costs.

**(SANJAY KUMAR)
JUDGE**

25.09.2020
rakesh

whether speaking/non speaking	:	Yes/no
whether reportable/non reportable	:	Yes/no