

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CWP-13000-2020

Date of Decision:28.08.2020

Lal Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Gurinder S. Lalli, Advocate,
for the petitioners.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Petitioners have filed the present writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari, so as to set aside the order dated 04.06.2020(Annexure P-4), whereby the revision petition filed by the respondents against the order dated 30.10.2018(Annexure P-3) passed by the Collector(SDM), Tapa, District Barnala, in partition case of village Pakho Kalan, Teshil Tapa, District Barnala, was accepted and resultantly, the order passed by the Collector was set aside. The Divisional Commissioner, Patiala Division, Patiala, has sent back the case to the A.C. 1st Class, Barnala, to proceed further with the partition proceedings.

Learned counsel for the petitioners submits that against the

order dated 04.06.2020 passed by learned Divisional Commissioner, Patiala

Division, Patiala, petitioners have filed ROA(appeal) before the Financial Commissioner, Punjab, titled as Lal Singh and others Versus Jaswinder Kaur and others. However, the same has not been listed for hearing, in the light of order dated 01.07.2020. Vide order dated 01.07.2020, Additional Chief Secretary-cum-Financial Commissioner Revenue, has issued an order in the wake of pandemic novel coronavirus(COVID 19) and as a precautionary measure thereof it has been decided that all the courts of Financial Commissioners, Divisional Commissioners and Collectors in the State of Punjab shall restrict its functioning only for hearing the urgent matters till 31.07.2020. The order dated 01.07.2020 has further been extended and is in force till date. Despite there being urgency in the matter, appeal filed by the petitioners is not taken up for hearing and the petitioners would be satisfied that keeping in view urgency, in case, the Financial Commissioner be directed to hear the appeal of the petitioners to some early date.

Heard learned counsel for the petitioners.

Vide order dated 01.07.2020, Additional Chief Secretary-cum-Financial Commissioner Revenue, has issued an order in the wake of pandemic novel coronavirus(COVID 19) and as a precautionary measure it has been decided that all the courts of Financial Commissioners, Divisional Commissioners and Collectors in the State of Punjab shall restrict its functioning only for hearing the urgent matters till 31.07.2020. The order dated 01.07.2020 has further been extended and is in force till date.

In view of the above, the present writ petition is disposed of with a direction to the Financial Commissioner, Punjab, to take up the case of the petitioners at the earliest possible time, preferably within a period of

two months from today, or when the Financial Commissioner is in a position to take up such hearing, whichever is earlier in the background of COVID-19 epidemic.

However, till then, operation of the impugned order dated 04.06.2020(Annexure P-4) shall be kept in abeyance.

The present writ petition is being disposed of, at this stage, without issuing notice to the private respondents for the reason that it would further delay the proceedings, which are otherwise pending since long.

The parties shall be informed by the learned Financial Commissioner about the date fixed in the matter.

August 28, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No