

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

CWP No. 13255 of 2020
Date of decision 31.08.2020

Dilbagh Singh

...Petitioners

Vs.

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vikram Singh, Advocate,
for the petitioners.

Ritu Bahri, J. (Oral)

Petitioner is seeking issuance of writ in the nature of mandamus for restraining the respondents from interfering into the peaceful possession of the petitioner from the land in question during the pendency of the stay application dated 27.08.2020 (P-5) till the decision of stay application/revision petition, as respondent No. 2 has adjourned the case without hearing the stay application and on the other hand, warrant of possession has been issued.

The grievance of the petitioner is that his revision petition (P-5) against orders dated 30.07.2020 (P-3) and 07.10.2019 (P-2) is pending before learned Commissioner Ambala Division, Ambala. The revision petition has now been adjourned to 08.09.2020 without hearing the stay application of the petitioner.

Learned counsel submits that if operation of 20.08.2020 (P-4)

is not stayed, the stay application filed by the petitioner would become

rendered infructuous.

Issue notice of motion.

On asking of the Court, Mr. Hitesh Pandit, Addl.A.G. Haryana accepts notice on behalf of the respondent-State.

Learned State counsel on instructions from Mr. Varun Sharda, ADA in the office of respondent No. 2, has informed the Court that the stay application of the petitioner will be heard on the date fixed i.e 08.09.2020.

Without commenting upon merits of the case, this petition at this stage is being disposed of by giving direction to respondent No. 2 to hear the stay application of the petitioner on 08.09.2020 and pass appropriate order. However, till 08.09.2020, instrument of partition (Sanad Takseem) dated 20.08.2020 (P-4) shall not be complied with.

31.08.2020

G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No