

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

201

**CWP-13986-2020 (O&M)
Date of Order: 16.12.2020**

RAJINDER SHARMA

..Petitioner

Versus

STATE OF HARYANA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. D.R.Bansal, Advocate,
for the petitioner.

Mr. Rohit Arya, DAG, Haryana

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner has filed the present writ petition, seeking the following substantive relief:-

“a writ in the nature of certiorari, mandamus or any other writ for setting aside the impugned action of recovery against the petitioner and the action of the respondent No 2 in not deciding the revision (P-11) and stay application and till its decision the recovery against the may be stayed.”

On 09.09.2020, the following order was passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks issuance of a writ in the nature of 'certiorari/mandamus' or any other writ setting aside the impugned action of recovery against the petitioner, passed by the Tehsildar, Saffidon, on 17.03.2020 (copy Annexure P-10).

Learned counsel for the petitioner submits that despite the appeal of the petitioner against the order dated 30.10.2019 (Annexure P-6) not having been decided, the impugned order (Annexure P-10), has been passed by the Tehsildar, Saffidon, on 17.03.2020, directing recovery of an amount of Rs. 8,60,730/-.

He further submits that against the said order of

recovery, the petitioner has filed a revision before the Financial Commissioner, which again is not being decided, the petitioners' contention being that no recovery can be made more than 02 years after the order of the recovery is passed, in any case.

Without making any comment on the actual merits of the case, since even the appeal against the basic order directing recovery is stated to have not been decided as yet, notice of motion is issued.

On the asking of the court, Mr. R.K.S. Brar, Additional Advocate General, Haryana, accepts notice on behalf of respondents no. 1 to 4 and 6.

Requisite number of copies be emailed to learned State counsel by learned counsel for the petitioner today itself.

Respondent no. 5 be served by way of normal process.

Adjourned to 06.11.2020.

In the meanwhile, in the aforementioned circumstances, the operation of the impugned order directing recovery shall remain stayed.

However, liberty is obviously always available to the appellate authority before whom the appeal is contended to be pending, to decide the appeal in the meanwhile.”

Learned counsel for the parties admit that the petitioner has filed a revision petition as provided in the Act, which is stated to be pending before the Financial Commissioner.

Sh. Rohit Arya, Deputy Advocate General, Haryana, submits that the aforesaid revision petition shall be disposed of within a period of 3 months.

Keeping in view the aforesaid facts, the writ petition is disposed of by requesting the Financial Commissioner to finally decide the writ petition within a period of 3 months.

In the meantime, the interim order dated 09.09.2020 to continue.

December 16, 2020

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Whether speaking/reasoned

Whether reportable

(ANIL KSHETARPAL)

JUDGE

: Yes/No

: Yes/No