

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16385-2020

Date of decision: 07.10.2020

Rajender

.....Petitioner.

vs.

State of Haryana and others

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. S.S. Duhan, Advocate, for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana and
Mr. Minderjeet Yadav, Deputy Advocate General, Haryana.

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Sanjay Kumar, J. (ORAL)

The petitioner was appointed as the Lambardar of Village Jalalpur Khurd, Tehsil and District Jind, Haryana. However, his appointment was set aside by the Commissioner, Hisar Division, Hisar, *vide* order dated 02.05.2019, and the fourth respondent herein was appointed as the Lambardar in his place. Aggrieved thereby, the petitioner preferred an appeal in ROR No. 577 of 2018-2019 dated 22.05.2019 before the Financial Commissioner, Department of Revenue, Government of Haryana, under Section 16 of the Punjab Land Revenue Act, 1887. He claims to have filed a stay application also in the said appeal. His complaint before this Court is that the appellate authority has not chosen to pass any order, be it in the stay application or in the main appeal filed by him.

It is not open to the statutory authorities to render ineffective the remedies provided under the statute. They necessarily have to discharge their quasi-judicial functions promptly so as to afford justice to the aggrieved parties who come before them. The inaction on the part of the appellate authority, the first respondent herein, therefore cannot be countenanced.

As this Court does not propose to go into the merits of the matter, it would not be necessary to put the fourth respondent on notice or afford him an opportunity of the hearing.

The writ petition is accordingly disposed of directing the Financial Commissioner, Department of Revenue, Government of Haryana, to consider on merits the appeal and the stay application filed by the petitioner in ROR No. 577 of 2018-2019 dated 22.05.2019 and pass appropriate orders. In the event the appellate authority is not in a position to dispose of the main appeal immediately, the stay application filed therein shall be considered on merits and in accordance with law to decide the entitlement of the petitioner to interim relief, if any. This exercise shall be completed expeditiously and, in any event, not later than two weeks from the date of receipt of a copy of this order.

Needless to state, the appellate authority shall afford an opportunity of hearing to both the parties before passing orders on the stay application.

No order as to costs.

(SANJAY KUMAR)
JUDGE

07.10.2020

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PREETI	whether speaking/non speaking	yes/no
2020.10.07 20:36	whether reportable/non reportable	yes/no
I attest to the accuracy and integrity of this document		