

112.

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

CWP-17852-2020

Date of decision: 28.10.2020

RAJA RAM AND ORS

... Petitioners

versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vikram Singh, 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 petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus restraining the respondents from dispossessing the petitioners from the land in question during the pendency of the revision petition filed with stay application bearing ROR No.468 of 2020 before the Financial Commissioner, Haryana, till the decision of the stay application/revision petition.

Counsel for the petitioners has argued that against the instrument of partition dated 06.08.2020 issued in partition case No.24/NTL titled as Rajbir etc. Versus Raja Rama etc., decided by the Assistant Collector 1st Grade, Ladwa, the petitioners have preferred a petition under Section 16(1) of the Punjab Land Revenue Act, 1887 before the Financial

Commissioner, Haryana. Since there was urgency in the case, the petitioners have also filed an application for stay of operation of the order dated 06.08.2020 passed by the Assistant Collector Ist Grade, Ladwa. However, the said case was listed by the office of Financial Commissioner for 13.01.2021, despite there being urgency in the case as shown in the stay application. He submits that the cases are not being taken up for hearing despite there being urgency in the matter. In the instant case, under the garb of instrument of partition, the contesting respondents are trying to implement the instrument of partition and to get it executed. In case, the respondents succeed in getting the instrument of partition executed, the very purpose of filing ROR would be defeated. Further, the petitioners shall suffer irreparable loss and it will lead to multiplicity of litigations.

At this stage, Ms. Ranjana Shahi, Additional Advocate General, Haryana, has put in appearance on behalf of State and submits that it is on the request of counsel for the petitioners that the case was listed for hearing on 13.01.2021. Even otherwise, the concerned Financial Commissioner is holding the court for the cases arising out of Kurukshetra district, to which the present case relates on every working Tuesday and Wednesday, whereas cases of Panchkula district are listed for hearing on working Friday.

I have heard learned counsel for the parties.

Considering the fact that the petitioners have projected urgency in the matter and the Financial Commissioner is otherwise holding court regularly, though presently by a video conferencing because of Covid-19 epidemic, the present petition is disposed of with a direction to the Financial Commissioner to hear the stay application of the petitioners on 30.10.2020

at 3.00 PM by way of video conferencing or any other relevant mode of proceedings.

Accordingly, petitioners are directed to appear before the concerned Financial Commissioner on 30.10.2020 at 3.00 PM by way of video conferencing or any other prescribed mode as may be permissible.

Disposed of.

(HARI PAL VERMA)
JUDGE

28.10.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No