

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

CWP-20205-2020

Date of Decision : November 26, 2020

Amar Pal and another

..... PETITIONER(S)

VERSUS

Financial Commissioner Haryana and others

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Sudhir Aggarwal, Advocate, for the petitioners.
 Mr. Rajesh Gaur, Additional Advocate General, Haryana.

Sanjay Kumar, J.

The grievance of the petitioners is that the Financial Commissioner, Haryana, the 1st respondent herein, is not passing appropriate orders upon their revision petition filed under Section 84 of the Punjab Tenancy Act, 1887, or the stay application filed therein, but in the meanwhile, steps are being taken to implement the orders under revision.

The petitioners suffered order dated 20.01.2009 passed by the Commissioner, Hisar Division, Hisar, in their appeal filed against the order dated 13.01.2004 passed by the District Collector, Jind. Thereby, the Commissioner confirmed the order under appeal, holding that occupancy rights could not be granted to the petitioners.

the aforestated order before the 1st respondent on 24.02.2020, after erroneously pursuing civil remedies, along with a stay application. The revision was fixed for preliminary hearing on 16.04.2020. However, due to the outbreak of the COVID-19 Pandemic, no steps were taken in the pending revision. While so, the petitioners complain that steps are being taken to give effect to the order passed by the District Collector, Jind, as confirmed by the appellate authority.

It is not open to a statutory quasi-judicial authority to remain somnolent once a case is presented before it. Delay in the hearing of such statutory remedies would defeat the very purpose of providing such dispute resolution mechanisms in the legislative enactments themselves. Valuable property rights of the citizens may be at stake, as claimed in the case on hand, and it would be incumbent upon the authority concerned to give priority of hearing to at least the stay applications filed in such statutory appeals and revisions, if the main cases cannot be disposed of immediately.

In that view of the matter, the writ petition is disposed of directing the Financial Commissioner, Haryana, the 1st respondent, to take up the stay application filed by the petitioners in their pending revision and pass appropriate orders thereon after hearing both parties. This exercise shall be completed expeditiously and in any event, not later than six weeks from the date of receipt of a certified copy of this order.

Till the passing of appropriate orders upon the stay application filed by the petitioners in the revision pending before the 1st respondent, the order dated 20.01.2009 passed by the Commissioner,

Hisar Division, Hisar, and the order dated 13.01.2004 passed by the District Collector, Jind, shall remain in abeyance and no steps shall be taken to give effect to the same.

It is made clear that this Court has not gone into the merits of the matter and it is for the 1st respondent to consider all issues arising in the revision on merits and in accordance with law.

No order as to costs.

November 26, 2020
Kang

(Sanjay Kumar)
Judge

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