

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 538 of 2021

Date of Decision: January 13, 2021

Ram Rati

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTALPresent: Mr. Ajit Sihag, Advocate
for the petitioner.

Sudhir Mittal, J. (Oral)

Learned counsel for the petitioner submits that the appeal is maintainable under Section 13 of the Punjab Land Revenue Act, 1887.

Having perused the aforementioned provision, I am satisfied that the contention of learned counsel for the petitioner is correct.

The grievance of the petitioner is that in a partition case, his appeal against order passed by the Assistant Collector 2nd Grade closing his evidence by order is not being heard and the Assistant Collector 2nd Grade is meanwhile proceeding with the partition. *Sanad Takseem* is likely to be issued shortly. This is causing grave prejudice to the petitioner.

Notice of motion to respondents No.1 to 3 only.

Mr. Sanjay Mittal, Addl. A.G. Haryana accepts notice on behalf of respondents No.1 to 3 and waives service.

Considering the nature of the order being passed there is no necessity of filing a written statement nor is it necessary to serve the private respondent.

The writ petition is disposed of with a direction to respondent No. 2 to

decide the stay matter in the pending appeal expeditiously and in any case not later

than four weeks from the date of receipt of certified copy of this order. Till the same is done, respondent No.3 is restrained from proceeding further with the partition case.

January 13, 2021

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No