

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.7985 of 2021

Date of Decision: 08.04.2021

Samay Singh and others

....Petitioners

VERSUS

State of Haryana and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Vikram Singh, Advocate for the petitioners.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

Learned counsel for the petitioners would contend that the petitioners filed an application under Section 111 of the Punjab Land Revenue Act, 1887 for partition of the agricultural land situated at village Gheer, Tehsil and District Karnal. Vide order dated 21.09.2020, the application of the petitioners for adjourning the partition proceedings *sine die* was dismissed by Assistant Collector 2nd Grade, Karnal. The petitioners preferred an appeal before the Collector, Karnal, which was also dismissed vide order dated 24.11.2020. Both the orders dated 21.09.2020 and 24.11.2020 were challenged before the Commissioner, Karnal Division, Karnal who, vide order dated 15.12.2020, stayed the proceedings. Despite the stay order dated 15.12.2020, the Assistant Collector 2nd Grade, Karnal proceeded with the partition proceedings and prepared the '*Sanad Takseem*' on 17.12.2020. The said order dated 17.12.2020 was challenged before the Commissioner, Karnal Division, Karnal along with an application for stay. However, the matter has not been heard as the Commissioner has not been holding Court. Neither the application

for stay has been decided nor has any date been given. Learned counsel for the petitioners would further contend that in case the order dated 17.12.2020 is not stayed the appeal filed by the petitioners would be rendered infructuous.

Notice of motion.

On the asking of the Court, Mr. Saurabh Girdhar, AAG, Haryana, who has joined the session through video conferencing, accepts notice on behalf of the official respondents. Since the case is not being decided on merits there is no requirement to serve the remaining respondents.

Without commenting on the merits of the case, the present petition is disposed off, at this stage, by directing respondent no.2 - Commissioner, Karnal Division, Karnal - to hear the stay application filed by the petitioners and/or the appeal filed against order dated 17.12.2020 and pass an appropriate order, in accordance with law, within a period of 15 days from the date of receipt of certified copy of this order.

However, till the decision on the stay application and/or appeal by the Commissioner, Karnal Division, Karnal within the period mentioned above, the revenue authorities are directed not to take any further steps in pursuance to the order dated 17.12.2020.

Copy of this order be given to learned counsel for the petitioner under the signatures of the Court Secretary.

**(ALKA SARIN)
JUDGE**

**8th April, 2021
jk**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO