

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-9189-2021 (O&M)
Date of Decision: 28.04.2021

Rakesh Kumar

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

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

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of restrictions due to outbreak of COVID-19 pandemic.

Petitioner-Rakesh Kumar has filed present writ petition *inter alia* with the prayer for restraining the respondents from making any recovery from the land in question or for staying the operation of the order dated 28.10.2018 (Annexure P-1) during the pendency of the appeal with stay application dated 03.01.2020 (Annexure P-2) till the decision of the stay application/appeal as the respondent No.2 did not hold the Court and on the other hand the respondents are bent upon to affect the recovery of Rs. 3,37,395/- by selling the land of the petitioner in lieu of order dated 28.10.2018 (Annexure P-1).

Learned counsel for the petitioner by making reference to the order dated 28.10.2018/28.11.2018 (Annexure P-1) submits that the DRO-cum-Collector, Yamuna Nagar has passed an *ex parte* order whereby petitioner herein was directed to pay remaining stamp duty of Rs.3,27,395/- and other charges as stated in the order. The petitioner herein filed an appeal against the said order before the Commissioner Ambala Division, Ambala

Learned counsel submits that since then till date the said application which was filed along-with appeal has not been decided. However, on the other hand, notice under Section 79 of the Punjab Land Revenue Act has been issued (Annexure P-3) for the sale of immovable property mentioned therein.

Notice of motion.

On asking of the Court, Ms. Palika Monga, DAG Haryana accepts notice on behalf of respondents-State.

Without commenting on the merits of the case, this Court deems it appropriate to dispose of the writ petition with a direction to the appellate authority i.e. (respondent No.2) to decide the stay application as expeditiously as possible. It is further directed that till the decision of the stay application, the proceedings in pursuance to the notice dated 05.04.2021 under Section 79 issued by the Collector, Yamuna Nagar shall remain stay.

With these observations, the writ petition stands disposed of.

28.04.2021

Shruti

(Girish Agnihotri)
Judge

1. *Whether speaking/reasoned?*

Yes/No

2. *Whether reportable?*

Yes/No