

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

LPA-127-2022 (O&M)

Date of decision : 15.02.2022

Naman and others

.....Petitioners

Versus

Financial Commissioner, Revenue and others

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

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

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the order dated 03.12.2021 followed by the orders dated 21.01.2022 and 02.02.2022 passed by the learned Single Judge.

A perusal of the order dated 03.12.2021 would show that the Court on the basis of the pleadings and on hearing the counsel had proceeded to stay the operation of the impugned orders in the writ petition. Thereafter, on 21.01.2022, on an application moved by the appellant, prayer for preponement of the hearing of the writ petition had been declined. However, on an application moved for vacation of the stay, notice has been issued to the non-applicant/petitioner therein where the counsel for the petitioner had sought time to file reply. It is, thereafter, that on 02.02.2022, when the case was fixed for consideration, the matter has been adjourned to 04.03.2022. These are the orders which have been challenged by the appellants.

The submission of the learned counsel for the appellants is that the nature of the land is being changed during the pendency of the writ petition specially when the petition has been filed at the behest of a person who is not even a party before the Revenue Authority. Even the application for impleadment has been declined by the Revenue Authority. By virtue of order dated 03.12.2021, the interim order granted by the Financial Commissioner has been stayed by this Court. This, the learned counsel for the appellants asserts, would be in total violation of the settled cannons of law. He therefore, prays that the operation of the order dated 03.12.2021 passed by the learned Single Judge be stayed.

We have considered the submissions made by the learned counsel for the appellant but do not find ourselves in agreement with the assertions as have been made by the counsel for the appellants for the simple reason that the learned Single Judge is seized of the matter and in an application for vacation of stay, notice has already been issued and the next date of hearing in the writ petition is 04.03.2022. With regard to contention relating to the change of nature of the land as has been asserted by the counsel for the appellants, suffice it to say that in case the appellants succeed in the case, it would be open to the Court to pass appropriate order in accordance with law for restoration thereof.

With the above observations, the present appeal is dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

February 15th, 2022

ps-I

Whether speaking/reasoned
Whether reportable

(SANDEEP MOUDGIL)
JUDGE

Yes/No
Yes/No