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

CWP-1665-2023

Date of decision : 27.01.2023

Harmeet Singh and others

...Petitioners

Versus

Financial Commissioner (Appeals), Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Haravtar Singh Saini, Advocate for the petitioners.

Mr. Rohit Ahuja, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction for staying the execution of warrant of possession dated 02.05.2022 (Annexure P-4) issued by the Assistant Collector, Ist Grade, Patiala, Tehsil and District Patiala-respondent No.2. Prayer has also been made for directing respondent No.1 to consider and decide the revision petition No.ROR No.8 of 2023 titled as “Harmeet Singh and others Vs. Assistant Collector, 1 Grade, Patiala and others”, along with stay application (Annexure P-5) which is stated to be fixed for 16.02.2023 as expeditiously as possible.

Learned counsel for the petitioners has submitted that against Sanad Taksim dated 23.02.2022, the petitioner had filed ROR No.8 of 2023 titled as “Harmeet Singh and others Vs. Assistant Collector, 1 Grade, Patiala

and others” along with stay application which has been fixed on 16.02.2023 for preliminary hearing. It is further submitted that the petitioners had filed an application on 06.01.2023 for preponement of the said case in view of the fact that possession of the land was being sought to be taken. It has been averred in para 28 of the writ petition that the said application was listed on 12.01.2023 and the same was thereafter adjourned to 02.02.2023.

Learned counsel for the petitioners has further contended that the warrants of possession, in the present case, have been issued and thus, prayed that he would limit his prayer to issuance of the direction to respondent No.1 to consider the application for preponement as well as the application for stay and ROR on 02.02.2023 as the revision petition is to be taken up on merits for the first time.

On the other hand, learned counsel for the State has submitted that every effort would be made by respondent No.1 to consider the application for preponement along with application for stay and revision on 02.02.2023.

Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with direction to respondent No.1 to consider the application for preponement along with the application for stay and ROR No.8 of 2023 on 02.02.2023, in accordance with law.

If, for any reason beyond the control of respondent No.1, the matter is not taken up on 02.02.2023 then the same be taken up and considered within a period of three days from 02.02.2023.

27.01.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**