

(144) **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-2397-2023
Date of Decision:06.02.2023

Sukhpal

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr. Brijender Kaushik, Advocate for the petitioner.

Ms. Upasana Dhawan, A.A.G. Haryana
for the respondents.

VIKAS BAHL, J. (Oral)

This writ petition under Article 226/227 of the Constitution of India has been filed for issuance of a writ or direction, especially in the nature of certiorari for setting aside order dated NIL (Annexure P-4) whereby respondent No.2 has issued directions to hand over vacant possession of the land to the private respondents inspite of directions by respondent No.1 to maintain status quo vide order dated 21.04.2022.

Learned counsel for the petitioner has submitted that in the present case ROR-73-2022 was filed by the petitioner before the Financial Commissioner, Haryana and vide order dated 21.04.2022, after hearing the arguments of the private respondents, who had filed caveat, the matter was admitted and status quo was maintained till the next date of hearing i.e. 27.4.2022. It is submitted that thereafter, the Financial Commissioner did not hold Court and that the said

status quo could not be ordered to be continue. It is further submitted that in the meantime, the Collector initiated proceedings to evict the present petitioner and that the Collector has now fixed the case for 09.02.2023 for awaiting the compliance report regarding warrants of possession.

Learned counsel for the petitioner has submitted that the ROR is also now fixed for 09.02.2023 before Financial Commissioner (Revenue), Haryana. It is submitted that in the present case the service of all the persons has not been effected and thus, on 09.02.2023, the matter cannot be finally adjudicated.

Learned counsel for the petitioner has further submitted that the petitioner would be satisfied in case respondent No.1- Financial Commissioner is directed to consider the application filed by the petitioner under Section 151 CPC for stay (Annexure P-5) on 09.02.2023 or immediately thereafter and has prayed that till the time the said application is not considered and decided, the interim order of status quo passed on 21.04.2022, be continued.

Learned State counsel appearing on behalf of respondents No.1 and 2 has submitted that every endeavor shall be made by the Financial Commissioner to decide the application Annexure P-5 for stay on 09.02.2023 or within a period of one week immediately thereafter.

Keeping in view the above-said facts and circumstances, the present petition is disposed of with a direction to the Financial Commissioner (Revenue), Haryana, before whom ROR No.73 of

2022 is pending, to consider and decide the application Annexure P-5 on 09.02.2023 or within a period of one week thereafter and till such time, the application is not decided, interim order of status quo as ordered on 21.04.2022 shall continue. However, it is made clear that grant of interim order would not be construed as an expression of opinion on the merits of the case and Financial Commissioner (Revenue) would consider the application (Annexure P-5) independently, in accordance with law and would also finally decide ROR-73-2022 in accordance with law.

It would be open to the respondents to move an application for recalling of this order, in case, any of the facts as have been brought before this Court are incorrect.

06.02.2023
rajeev

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**