

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-3673-2023

Date of decision : 22.02.2023

Gopal Sharma and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

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

Ms.Upasana Dhawan, AAG, Haryana
for respondents no.1 to 4.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus for staying the operation and implementation of the Sanad Takseem dated 23.11.2009 (Annexure P-1) during the pendency of ROR-572-2019 along with application for stay dated 14.06.2019 (Annexure P-2) till the decision of the revision petition.

Learned counsel for the petitioners has submitted that against the Sanad Takseem dated 23.11.2009, the petitioner had filed a revision petition i.e., ROR-572-2019 along with an application for stay and in the said case vide order dated 10.07.2019, notice was issued, record was called for and status quo was granted till the next date of hearing i.e., 14.08.2019.

It is stated that since the interim order was not continuing, thus, the

application dated 10.10.2022 (Annexure P-4) was filed. It is stated that the said application for continuation of the interim order as well as the main case is fixed for final arguments on 16.03.2023 and the petitioner would limit his prayer in the present petition to issue direction to respondent no.1 to decide the main case uptill 31.03.2023. It is further stated that if for any reason, the main case cannot be decided, the application dated 10.10.2022 for continuation of the interim order be considered and decided within the aforesaid period.

Learned State counsel has stated that he has no objection to the said course of action.

Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to respondent no.1 to decide ROR-572-2019 on or before 31.03.2023. If, for any reason, the said revision cannot be decided, then the application dated 10.10.2022 (Annexure P-4) for continuation of the interim order dated 10.07.2019 be decided, in accordance with law.

It is made clear that this Court has not opined on the merits of the case and respondent no.1 would decide the case and the application for stay independently on its merit, in accordance with law.

(VIKAS BAHL)
JUDGE

February 22, 2023
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No