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

CWP-8452-2023

Date of decision : 24.04.2023

Gurpreet Singh

...Petitioner

Versus

The Financial Commissioner (Appeals), Punjab, Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. G.S. Nagra, Advocate and
Mr. K.S. Rawat, Advocate for the petitioner.

Mr. Ferry Sofat, Addl. A.G. Punjab
for respondent Nos.1 to 3.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent No.1 to decide the stay application filed by the petitioner dated 09.03.2023 in ROA No.28 of 2023 titled as “Gurpreet Singh Vs. Gurbaksh Singh”, pending for 25.05.2023 and further prayer to grant stay of operation of impugned order dated 06.01.2023 (Annexure P-4) passed by the Commissioner, Rupnagar Division, Rupnagar till the decision of ROA No.28 of 2023 filed by the petitioner.

2. Learned counsel for the petitioner has submitted that the petitioner was appointed as the Lambardar of the village by the Collector

vide order dated 18.05.2022 (Annexure P-1). It is further submitted that it is the Collector which is the appointing authority as per settled law and that after the said appointment, the sanad lambardari of the petitioner was issued on 08.09.2022 (Annexure P-2) and ID Card was also given (Annexure P-3). It is contended that the Commissioner has remanded the matter to the Collector vide order dated 06.01.2023 (Annexure P-4) and the petitioner had, against the said order, filed ROA No.28/2023 dated 07.03.2023 along with application for stay dated 07.03.2023. It is further contended that the case was listed for 13.04.2023 and since on that day, Court was not held thus, the case was adjourned to 25.05.2023. It is argued that on account of non-decision on the said application, the authorities are seeking to withdraw sanad lambardari dated 08.09.2022 (Annexure P-2) issued in favour of the petitioner. It is also submitted that in case, sanad lambardari of the petitioner is withdrawn then the villagers will suffer losses as there is only one lambardar i.e. the present petitioner who is working in the Village. It is, thus, prayed that respondent No.1 be directed to consider the said ROA of the petitioner for preliminary hearing as expeditiously as possible and till the time, the stay application is not considered, further prays that status quo as it exists today be maintained.

3. On the other hand, learned State Counsel has submitted that every endeavour would be made by the Financial Commissioner to take the matter for preliminary hearing along with the stay application as expeditiously as possible. It is further submitted that the grant of any interim order should not be construed as an expression on merits of the case.

4. Keeping in view the abovesaid facts and circumstances, the

present Civil Writ Petition is disposed of with direction to respondent No.1- Financial Commissioner to take up ROA No.28/2023 along with stay application dated 07.03.2023 on 25.05.2023 or within a period of two weeks thereafter and to pass appropriate orders on ROA as well as the stay application. Till the time the Financial Commissioner does not decide the stay application dated 07.03.2023, status quo as it exists today be maintained. The grant of status quo order should not be construed as an expression on the merits of the case and ROA as well as application for stay/continuance of stay would be considered independently by respondent No.1, in accordance with law.

24.04.2023
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No