

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-8714-2023

Date of decision : 28.04.2023

Surjan Singh and others

... Petitioners

Versus

Ld.Financial Commissioner, Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Mr.Sunny Kumar Singla, Advocate
for the petitioners.

Mr.Ferry Sofat, Addl.A.G. Punjab.

Mr.A.S. Salar, Advocate
for respondent no.4.Mr.Ghulam Nabi Malik, Advocate
for respondent no.7-caveator.**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 certiorari seeking quashing of the order dated 28.03.2023 (Annexure P-7) passed by respondent no.1 in ROR no.138 of 2022 titled as “Surjan Singh and others vs. Ld. A.C. Ist Grade and others”, whereby stay order dated 14.03.2022 (Annexure P-4) has been vacated by respondent no.1.

2. Learned counsel for the petitioners has submitted that the petitioners had filed RORs no.138 of 2022 and 139 of 2022 challenging the orders passed by the revenue authorities in the partition proceedings and the Financial Commissioner (Appeal) vide order dated 14.03.2022 was pleased

further submitted that since Sanad Taksim in the present case had been issued, thus, two revision petitions i.e., ROR no.604 of 2022 as well as ROR no.606 of 2022 challenging the Sanad Taksim were also filed and the said RORs were ordered to be listed along with ROR nos.138 and 139 of 2022. It is stated that on an application moved by respondent no.4 for vacation of stay order dated 14.03.2022, the Financial Commissioner (Appeal) vide order dated 28.03.2023 had vacated the stay on the objection raised by learned counsel for respondents no.4 and 7 herein to the effect that Sanad Taksim had been prepared and same has not been challenged. It is further stated that in the said order, it was also noticed that RORs no.604 and 606 are also connected matters and the Financial Commissioner did not take into consideration the fact that in the said revisions, Sanad Taksim had already been challenged and since all the four matters were heard together, the said objection of respondents no.4 and 7 was not valid. It is submitted that thus, on account of passing of impugned order dated 28.03.2023, the petitioners are in such a situation where the revision petitions of the petitioners are pending whereas the interim order of status quo has been vacated.

3. Learned counsel for respondents no.4 and 7 have submitted that the warrants of possession have been executed on 13.04.2023 and it is the petitioners, who are taking repeated adjournments and are not arguing the matter and the said reason was also the reason for vacating the stay although the same was not specifically reflected in the impugned order.

4. During the course of the proceedings before this Court, learned counsel for the petitioners as well as the contesting respondents have jointly submitted that the order dated 28.03.2023 be set aside and status quo

is decided by the Financial Commissioner and the Financial Commissioner be directed to decide the revision petitions filed by the petitioners as expeditiously as possible.

5. Keeping in view the above said facts and circumstances, the present petition is disposed of and the order dated 28.03.2023 is set aside and the parties are directed to maintain status quo as it exists today, till the pendency of the case before the Financial Commissioner and the Financial Commissioner is directed to decide the revision petitions filed by the petitioners as expeditiously as possible. The petitioners are also directed to diligently follow the case before the Financial Commissioner.

(VIKAS BAHL)
JUDGE

April 28, 2023
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No