

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-9618-2023

Date of decision : 05.05.2023

Gurmail Singh

... Petitioner

Versus

Financial Commissioner Revenue (Appeals), Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Amandeep Saini, Advocate
for the petitioner.

Mr.Ferry Sofat, Addl.A.G. Punjab
for respondents no.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 certiorari for quashing the impugned order dated 06.01.2023 (Annexure P-3) passed by respondent no.3 against which ROA no.10 of 2023 along with application for stay has been filed by the petitioner before the Financial Commissioner.

2. Learned counsel for the petitioner has submitted that the petitioner has been appointed as Lambardar by the Collector and the Commissioner has remanded the matter to the Collector vide order dated 06.01.2023 and against the said order, the petitioner has filed ROA no.10 of 2023 and the same came up for preliminary hearing on 09.03.2023 and the Court was not holding and the case was adjourned to 13.04.2023 and even on the said date, the Court was not holding and thus, the case was adjourned to 25.05.2023. It is further submitted that the office of the Collector has

asked the petitioner to deposit his Sanad Lambardari and thus, there is urgency in the matter. It is prayed that the Financial Commissioner be directed to consider the abovesaid ROA by preponing the same on 11.05.2023 for preliminary hearing along with stay application and pass an appropriate order on the stay application within a period of 3 days thereafter.

3. Learned State counsel has submitted that every endeavour would be made by the Financial Commissioner to take up the case for preliminary hearing on 11.05.2023 and to decide the stay application within a period of 3 days from 11.05.2023.

4. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to the office of the Financial Commissioner to put up the above said ROA on 11.05.2023 and respondent no.1 is directed to consider the said ROA for preliminary hearing along with stay application on 11.05.2023 and pass an appropriate order on the stay application within a period of 3 days from 11.05.2023.

5. It is made clear that this Court has not opined on the merits of the case and respondent no.1 would consider the case independently, in accordance with law.

(VIKAS BAHL)
JUDGE

May 05, 2023
Davinder Kumar

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