

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

LPA-548-2023 (O&M)

Date of Decision:04.05.2023.

INDER SINGH

...APPELLANT

VS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

**CORAM:- HON'BLE MR. JUSTICE M.S. RAMACHANDRA RAO
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. Ashish Aggarwal, Sr. Advocate with
Mr. Karan Singh, Advocate and
Mr. Vipul Aggarwal, Advocate for the appellant.

M.S. RAMACHANDRA RAO, J. (ORAL)

This Letters Patent Appeal has been preferred challenging the order dated 27.04.2023 in CWP-8882-2023 of learned Single Judge.

Notice of motion.

Ms. Tanisha Peshawaria, DAG, Haryana accepts notice on behalf of respondents.

The appellant had approached this Court and had filed a Writ Petition i.e. CWP-8882-2023 for direction to respondent No.3 to decide the appeal filed on 14.11.2022 against the order dt.25.10.2022 passed by respondent No.5 allegedly, unilaterally and arbitrarily cancelling the license of the Brick Kiln run by the appellant.

The appellant had also filed a stay application on 20.04.2023, and had sought for the same to be decided in a time bound manner.

But the learned Single Judge had dismissed the Writ

Petition on the ground that the application for early disposal was filed on 18.04.2023 and the Writ Petition was filed on 24.04.2023.

When an order was passed affecting the rights of the party and he filed an appeal challenging the cancellation of Brick Kiln license, it is incumbent on the appellate authority to decide appeal expeditiously, and if not, at least decide the stay application expeditiously. The appeal cannot be rendered infructuous by postponing the decision in the stay application or in the appeal indefinitely as has been done by respondent No.2.

We do not agree with the reasoning of the learned Single Judge that there is no duty cast from the respondent No.2 to decide the stay application or appeal expeditiously, particularly where the appeal was filed long back on 14.11.2012

Therefore, the Letters Patent Appeal is allowed, the order dt.27.04.2023 passed by the learned Single Judge in CWP-8882-2023 is set aside; and the respondent No.2 is directed to either decide stay application filed by the appellant in the appeal dt.14.11.2022 or the appeal itself within two weeks after hearing the appellant.

Accordingly, the present Letters Patent Appeal is allowed.

(M.S. RAMACHANDRA RAO)

JUDGE

(SUKHVINDER KAUR)

JUDGE

04.05.2023

priyanka