

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(118)

CWP-11318-2023

Date of decision: - 24.05.2023

Kaur Singh

....Petitioner

Versus

Financial Commissioner (Appeals) Punjab, Punjab Civil Secretariat,
Chandigarh

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ramandeep, Advocate,
for the petitioner.

Mr. Ferry Sofat, Additional Advocate General, Punjab
for the respondent.

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, direction or order in the nature of mandamus directing the respondent to pass an order on the stay application filed alongwith revision petition bearing ROR No.848 of 2022 titled as 'Kaur Singh Versus Assistant Collector, 1st Grade-cum-Naib Tehsildar, Samana, District Patiala and others' (Annexure P-1), which is now pending for 01.06.2023.

2. Learned counsel for the petitioner has submitted that the petitioner has filed a revision petition under Section 16 of the Punjab Land Revenue Act, 1887 against the order dated 30.08.2022, passed by

the Assistant Collector 1st Grade and the said revision petition for the first time was listed for preliminary hearing on 01.12.2022. It is submitted that the said revision petition has been repeatedly adjourned and on three occasions the petitioner had even submitted his arguments, but yet, neither any order on the revision petition nor on the stay application has been passed till date. It is submitted that now the warrants of possession dated 01.02.2023 (Annexure P-11) has been issued by the Assistant Collector, 1st Grade, (Naib Tehsildar) Samana, District Patiala.

3. Learned counsel for the petitioner has prayed that in view of the said circumstances, the respondent be directed to consider the said revision petition for preliminary hearing alongwith the stay application on 01.06.2023 and to pass appropriate orders on the same within a period of four days from the said date.

4. Learned State counsel has submitted that the respondent would take up the said revision petition alongwith the stay application on 01.06.2023 and after hearing the petitioner, would pass the appropriate orders on the stay application within a period of four days from 01.06.2023.

5. Keeping in view the above-said facts and circumstances, the present writ petition is disposed of with a direction to the respondent to take up the said revision petition bearing ROR No.848 of 2022 (Annexure P-1), alongwith the stay application, for preliminary hearing on 01.06.2023 and to decide the stay application on 01.06.2023 or within a period of four days thereafter i.e. upto 05.06.2023.

6. It is made clear that this Court has not opined on the merits

of the case and the respondent authority would consider and decide the matter independently, in accordance with law.

May 24, 2023
naresh.k

(VIKAS BAHL)
JUDGE

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