

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

169

2023:PHHC:082088

CWP No.13419 of 2023

Date of decision: June 15th, 2023

Polu Ram

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Divyam Singh, Advocate
for Mr. Vikram Singh, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in this writ petition is to the order dated 05.06.2023 (Annexure P-4) passed by the Financial Commissioner-cum-Principal Secretary to Government of Haryana-respondent No.1, whereby his request for interim stay pending hearing on the application and petition has been declined during the pendency of the revision.

2. Learned counsel appearing on behalf of the petitioner, *inter alia*, contends that the ROR No.750 of 2022 has been filed by the petitioner against the partition proceedings, wherein the *sanad taksim* is a subject matter of challenge. The above said ROR had been filed on 20.12.2022, however, respondent No.1 was not holding Court and the matter was adjourned to 21.03.2023. Even on the said date, respondent No.1 was not holding Court and the matter was again adjourned to 21.08.2023 along with the main petition and the application for stay.

3. A warrant of possession was thereafter issued by respondent No.3- Field Kanungo, whereupon an application was moved by the petitioner for early hearing of the petition and for staying the operation of the impugned order. Vide order dated 05.06.2023,

respondent No.1 has partly allowed the application only to the extent of early hearing and fixed the main case for 04.07.2023, however, the request for granting the interim stay has been declined without assigning any reasons and to be taken up only on the date next fixed. Learned counsel appearing for the petitioner specifically stated that the orders passed by the Revenue Courts are yet to be implemented. The possession has not yet changed hands. He submits that the *status quo* as exists on date may be extended till 04.07.2023 when ROR No.750 of 2022 is listed before the Financial Commissioner after preponement of the date of hearing.

4. I have heard learned counsel appearing for the petitioner and have noticed that the matter could not be taken up as the Presiding Officer was not holding Court and for reasons not attributable to the petitioner. The main case is already listed for 04.07.2023 and that maintaining of *status quo* till the said date of hearing, lest in the petition as well as the application for stay moved by the petitioner is rendered infructuous, ought to be maintained in the larger interest of justice.

5. Counsel undertakes to appear before respondent No.1 on the date already fixed and to not seek any adjournment or make attempt to delay the final disposal of the said ROR No.750 of 2022.

6. Taking into consideration the totality of the circumstances noticed above, I deem it appropriate to dispose of the present writ petition at this stage without issuing a formal notice to the respondents as the same is only likely to delay the case as well as the cause of parties.

7. A direction is issued to respondent No.1 to hear the pending petition or the application for interim relief on the date already fixed and/or any other convenient date as may be suitable to respondent No.1.

8. Till the time that the main revision petition and/or the accompanying application for stay of further proceedings is considered by respondent No.1-Financial Commissioner-cum-Principal Secretary to Government of Haryana, *status quo* possession shall be maintained between the parties.

9. Liberty is, however, granted to the private respondents to seek revival of the present petition in case any of the averments made by the petitioner is found to be factually incorrect.

10. The petition is disposed of.

(VINOD S. BHARDWAJ)
JUDGE

June 15th, 2023
Puneet

Whether speaking/reasoned : Yes

Whether reportable : No