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2023:PHHC:082515

Date of decision: 27.06.2023

 V/s

...Respondents

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

CM No.10306-2023

Annexure P-9 i.e., photographs.

For the reasons mentioned in the application, same is allowed.

CM-10309-2023

This is an application under Article 226 of the Constitution of India for preponement of the main case i.e., CWP No.13575-2023, which is fixed for today i.e. 27.06.2023.

Learned counsel for the applicant-petitioner contends that the present application has become infructuous as the main case is fixed for today itself.

In view of the above, the present application stands dismissed as having been rendered infructuous.

Main case

Vide order dated 26.06.2023, learned State counsel was directed to verify whether the respondent No.1-Financial Commissioner (Revenue) is holding the Court or not but learned State counsel has again sought time to verify this aspect.

Learned counsel for the petitioner submits that he has made a categorical assertion in his pleadings that the said Court of Financial Commissioner (Revenue) is not functioning and his ROR is pending for 12.07.2023, wherein the stay application has not been considered till date.

Learned counsel for the petitioner further submits that the petitioner, at this stage, would feel satisfied if a direction is issued to respondent No.1/appellate authority to decide the appeal/application for stay filed along with the appeal in a time bound manner.

In support of his contention, he relies upon order dated 21.08.2020 passed in CWP-12419-2020 titled as Vicky Vs. State of Haryana and another wherein the directions to the competent authority to decide the appeal/application for stay filed along with the appeal expeditiously and has prayed that the petitioner be also granted the same relief.

Notice of motion.

On asking of the Court, Mr. Madhur Sharma, AAG, Punjab, who is present in the Court, accepts notice on behalf of the respondents No. 1 to 4.

Accordingly, without making any comment on the merits of the case, this petition is disposed of with a direction to respondent No.1/appellate authority to hear and decide the appeal/application for stay within a period of six months from today.

Till the decision of appeal, the operation of the impugned order(s) shall remain stayed.

(DEEPAK MANCHANDA)
JUDGE

27.06.2023
Sapna