

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(238)

CWP-16032-2017

Date of decision: - 11.01.2023

Harbhajan Singh and another

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ish Puneet Singh, Advocate
for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

Mr. G.S. Nagra, Advocate
for respondent No.4.

VIKAS BAHL, J. (ORAL)

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of the impugned order dated 30.11.2015 (Annexure P-5) passed by respondent No.3 and impugned order dated 11.05.2017 (Annexure P-9) passed by respondent No.2.

Learned counsel appearing on behalf of respondent No.4 has raised a preliminary objection and has stated that since in the present case *sanad taksim* has been prepared, thus, a revision petition would be maintainable under Section 16(1) of the Punjab Land Revenue Act before the Financial Commissioner, Punjab.

Learned counsel for the petitioners has submitted that in view of the above, he be permitted to withdraw the present writ petition with liberty to file a revision petition before the Financial Commissioner, Punjab under Section 16 of the Punjab Land Revenue Act. It is further submitted that since vide order dated 25.07.2017, a Co-ordinate Bench of this Court, ordered status quo with respect to the possession be maintained and has thus, prayed that the said interim order be continued for a period of four weeks or upto the time the case is taken up by the learned Financial Commissioner, Punjab for preliminary hearing and for consideration of the stay application.

Learned counsel for respondent No.4 has fairly stated that respondent No.4 has no objection to the said course of action. He has however submitted that when the matter would be taken up by the Financial, Punjab, then the learned Financial Commissioner, Punjab shall consider the same uninfluenced by the interim order granted by this Court.

In view of the above, the present petition is dismissed as withdrawn, with the aforesaid liberty.

It is directed that status quo with respect to the possession would be maintained by the parties upto 11.02.2023 or till the date when the learned Financial Commissioner, Punjab takes up the matter for preliminary hearing, whichever is earlier. It is made clear that the learned Financial Commissioner, Punjab would consider the case independently on its merits uninfluenced by the fact that the interim stay has been granted by this Court.

At this stage, learned counsel for the petitioner has further submitted that respondent No.4 should not raise any objection on the aspect of limitation.

Learned counsel for respondent No.4 has very fairly submitted that respondent No.4 would not raise any objection with respect to the limitation.

The Financial Commissioner, Punjab is directed to consider the case on merits.

January 11, 2023
naresh.k

(VIKAS BAHL)
JUDGE

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