

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

CWP-17388-2023

Date of decision : 10.08.2023

Bikkar Singh

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Nakul Sharma, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for quashing the order dated 28.07.2023 passed by respondent No.3 where by ignoring the facts that against the order dated 31.03.2023 passed by respondent No.6, statutory appeal has already been filed by him before respondent No.4 and the said appeal is pending before respondent No.4 however, respondent No.3 on the basis of report dated 06.06.2023 issued by respondent No.6 ordered that recovery case of petitioner for the amount of Rs.38,55,072/- be declared as land revenue as the said order is illegal, arbitrary, unwarranted, void abinitio, against the principle of nature justice and thus, same be *set aside*.

Learned counsel for the petitioner submits that against the order dated 28.07.2023, petitioner has already filed his appeal in April, 2023 along with the stay application which is pending consideration before respondent No.4. He submits that till date neither the appeal has been taken up nor the stay application has been heard by respondent No.4.

He has submitted that to the utter surprise, without hearing the stay application filed by the petitioner in the appeal filed, now the impugned order has been passed for the recovery of the amount of Rs.38,55,072/-, which is already under challenge in the appeal.

Notice of motion.

On asking of the Court, Mr. Arun William, AAG, Punjab accepts notice on behalf of the respondent-State.

After hearing counsel for the parties and perusing the record, it is apparent that petitioner has filed the appeal against the very same amount which has not been heard by the DDPO till date. In the considered opinion of this Court, this Court is of the opinion that the appeal along with the stay application filed would be taken up for hearing on 16.08.2023 and the parties will be heard on the stay application. Respondent No.4 is directed to decide the stay application expeditiously.

Till the decision of the stay application, operation of the impugned order dated 28.07.2023 would remain stayed.

Petition stands disposed of accordingly.

(RAJESH BHARDWAJ)
JUDGE

10.08.2023
m. sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No