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

CWP-23480-2021

Date of decision: 24.05.2023

Sukhdev Singh and others

...Petitioners

Versus

Financial Commissioner, Appeals, Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. B.S. Jaswal, Advocate for the petitioners.

Mr. Ferry Sofat, Addl. A.G. Punjab,
for respondent Nos.1 and 2.

Mr. K.B.S. Mann, Advocate for respondent No.3

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of certiorari for quashing the impugned order dated 24.09.2021 (Annexure P-13) whereby the Financial Commissioner (Appeals) had vacated the stay order passed by him vide order dated 11.09.2020 (Annexure P-8).

2. On 18.11.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“It is inter alia submitted that order dated 24.09.2021,

vacating the stay order, is illegal because, the application on which, the date of hearing was advanced was only for recall of order dated 07.05.2021 and not for vacation of stay. Moreover, no time was granted to the petitioners to file a reply to the application for advancing the date of hearing and for recalling order dated 07.05.2021.

Notice of motion to respondents No.1 to 3 only for 02.05.2022.

Ms. Sunint Kaur, AAG, Punjab, accepts notice on behalf of respondents No.1 and 2 and waives service.

Respondent No.3 be served in the ordinary manner.

Meanwhile, status quo regarding possession shall be maintained.

Sd/- (SUDHIR MITTAL)

JUDGE

18.11.2021”

3. Learned counsel for the petitioners has submitted that the case before the Financial Commissioner (Appeals), is now fixed for arguments on 26.05.2023 and thus, the present writ petition may kindly be disposed of with direction to respondent No.1 to decide the revision filed by the petitioners as expeditiously as possible and till the time, the said revision is not decided, interim order granted by the Coordinate Bench of this Court be continued.

4. Learned counsel for respondent No.3-contesting respondent has submitted that the interim order i.e., *status quo regarding possession shall be maintained*, should not be construed as an expression on merits of the case and the Financial Commissioner would decide the said revision petition independently and in accordance with law after hearing

the pleas raised by both the sides.

5. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with a direction to respondent No.1 to decide the ROR filed by the petitioners which is stated to be listed on 26.05.2023 as expeditiously as possible and preferably within a period of five months from 26.05.2023.

6. The interim order i.e., “*status quo regarding possession shall be maintained*”, passed by the Coordinate Bench of this Court would continue till the final decision of the said ROR.

7. It is made clear that the grant of said interim order or continuance of the same shall not be construed as an expression on the merits of the case and respondent No.1 would decide the said ROR independently and in accordance with law.

24.05.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No