

2023:PHHC:115963

238 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.29910 of 2019
Date of Decision : 04.09.2023

Kulwant Rai

..... Petitioner

Versus

**The Additional Commissioner (Appeals), Jalandhar Division,
Jalandhar and others**

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. R. S. Chauhan, Advocate with
 Ms. Deepika Chauhan, Advocate
 for the petitioner.

Mr. Arun William, AAG, Punjab.

Mr. Abdul Aziz, Advocate for
Mr. R. D. Sharma, Advocate
for respondent No.4(i) to 4(iii).

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed for issuance of a writ in the nature of mandamus directing respondent No.3 for revival/restoration the case of correction of Khasra Girdawari in case bearing No.235/N.P. dated 20.11.2017, which was adjourned sine die as per the order dated 30.01.2018 (Annexure P-5) keeping in view the stay order passed by learned Commissioner dated 07.04.2014 (Annexure P-3) in case No.JA3 of 2014, which has already been decided vide order dated 06.02.2018 (Annexure P-4) and despite the applications moved by the petitioner dated 28.06.2018 (Annexure P-6) and 09.08.2019 (Annexure P-7) but despite the applications duly moved and matter already decided the case has not been re-opened and thus the entire action on the part of respondent No.3 is illegal and not

sustainable. Further prayer has been made for directing the Naib Tehsildar-cum-A.C. 2nd Grade Pathankot to restore the application for correction of khasra girdawari in case No.235/N.P. dated 20.11.2017 and the same be adjudicated in accordance with law.

It has been contended by learned counsel for the petitioner that the petitioner has filed a petition for correction of khasra girdawari. However, the same was adjourned sine die on 30.01.2018 as there was a stay order passed by learned Commissioner dated 07.04.2014 in case No.JA3 of 2014. It has further been contended by learned counsel for the petitioner that the main case has already been decided by the learned Commissioner on 06.02.2018 and thus, the petition, which had been adjourned sine die by the learned Collector on 30.01.2018, deserves to be restored and decided in accordance with law.

Learned State counsel has submitted that as per reply filed, the petitioner did not file any application for restoration of the case which had been adjourned sine die.

After hearing learned counsel for the parties, the present petition stands disposed of with a direction to respondent No.3 to look into the application filed by the petitioner dated 28.06.2018 (Annexure P-6) and keeping in view the submissions made by learned counsel for the parties, the same be decided expeditiously in accordance with law. Respondent No.3 is directed to issue prior notice to all the parties concerned with the case.

04.09.2023
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(RAJESH BHARDWAJ)
JUDGE

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