

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-26766-2022

Date of decision : 27.04.2023

Suraj Mal

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Ms.Pooja Arora, Advocate
for the petitioner.Ms.Upasana Dhawan, AAG, Haryana
for respondent no.1.Mr.Sunil Kumar, Advocate for
Mr.Samarth Sagar, Advocate
for respondents no.2 to 4.**VIKAS BAHL, J.(ORAL)**

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari to set aside the order dated 11.11.2022 (Annexure P-9) vide which the application dated 11.11.2022 for grant of stay of the operation of the order dated 04.11.2022 (Annexure P-7) was dismissed during the pendency of the Executive Appeal no.062 dated 11.11.2022 (Annexure P-8).

2. On 22.11.2022, a coordinate Bench of this Court was pleased to pass the following order:-

"It is submitted that refusal of stay while entertaining the appeal will upset the status quo and would cause great harm and injury to the petitioner. If the construction is demolished, the appeal would be rendered academic.

Notice of motion.

Mr. Samarth Sagar, Addl. A.G., Haryana accepts notice and waives service. He seeks time to file his written statement.

Adjourned to 27.04.2023.

Meanwhile, demolition of the petitioners construction shall remain stayed.

November 22, 2022

*(SUDHIR MITTAL)
JUDGE”*

3. Learned counsel for the petitioner as well as the respondents have jointly submitted that the appeal is now pending for 03.05.2023 and the present petition can be disposed of with a direction to respondent no.4 to decide the appeal of the petitioner in a time bound manner and till said date, the interim order be continued.

4. Learned counsel for respondent no.2 to 4 has submitted that grant of stay or continuation of the same should not be construed as an expression on the merits of the case and respondent no.3 would decide the case independently, in accordance with law.

5. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to respondent no.3 to decide the appeal filed by the petitioner which is listed for hearing on 03.05.2023 as expeditiously as possible preferably within a period of two months from the date of receipt of the certified copy of the present order. The interim order dated 22.11.2022 passed by a coordinate Bench of this Court reproduced hereinabove, would continue till the decision of the appeal.

6. It is made clear that grant of stay or continuation of the same would not be construed as an expression on the merits of the case and respondent no.3 would decide the case independently, in accordance with law.

**(VIKAS BAHL)
JUDGE**

April 27, 2023

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No