

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

**CWP No.23308 of 2023
Date of Decision : 13.10.2023**

Kashmir Singh and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Sonia G. Singh, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed directing respondent No.2 to decide the stay application (Annexure P-2) filed by the petitioner along with revision petition for staying the impugned order dated 19.09.2023 (Annexure P-1) passed by respondent No.3, as the warrants of possession have been issued for 13.10.2023 on the basis of impugned order dated 19.09.2023 vide which ex-parte proceedings have been initiated. Further prayer has been made that till the decision of the application for stay along with revision (Annexure P-2) pending before respondent No.2, operation of warrants of possession dated 04.10.2023 (Annexure P-3) may kindly be stayed or in the alternative, dispossession of the petitioners from the property in question may kindly be stayed.

It has been submitted by learned counsel for the petitioners that the petitioners have filed the revision along with the stay application, which is pending adjudication before respondent No.2. She submits that till date the revision along with stay application has not been taken up. She

submits that warrants of possession have already been issued on 04.10.2023 for today i.e. 13.10.2023. She submits that the case is now listed on 31.10.2023 along with the stay application. She has further stated that without hearing the stay application, respondents have issued the warrants of possession and in case the same are executed, the petitioners will suffer an irreparable loss.

Notice of motion to the official respondents.

On asking of the Court, Ms. Upasna Dhawan, AAG, Haryana appears and accepts notice on behalf of respondents No.1 to 4. She, on instructions from Mr. Sant, ADA, Divisional Commissioner, Karnal, has affirmed that the case is listed along with the stay application on 31.10.2023.

After hearing learned counsel for the parties and perusing the record, the present petition is disposed of with direction to respondent No.2-Commissioner, Karnal Division, Karnal to hear the stay application and decide the same in accordance with law on the date fixed i.e. on 31.10.2023.

As it is specifically argued by learned counsel for the petitioners before this Court that warrants of possession have already been issued thus, the same shall remain stayed till 31.10.2023. Respondent No.2 is at liberty to pass any order as per law after hearing learned counsel for the parties.

(RAJESH BHARDWAJ)
JUDGE

13.10.2023

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