

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(109)

CWP-15-2023

Date of decision: - 04.01.2023

Surjit Singh

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Prateek Sodhi, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

This writ petition has been filed under Article 226 of the Constitution of India for issuance of writ in the nature of certiorari for quashing the order dated 22.12.2022 (Annexure P-6) with a further prayer for issuance of a writ of mandamus for directing respondent No.2 to decide the application for stay (Annexure P-5) dated 19.12.2022 in ROR-1156-2022 (Annexure P-4) dated 19.12.2022 in case titled as “Surjit Singh Vs. Assistant Collector Grade 1 & Ors.”

Learned counsel for the petitioner has submitted that the petitioner had earlier filed a writ petition i.e., CWP-25282-2022, in which, vide order dated 05.12.2022, Co-ordinate Bench of this Court had noticed that the petitioner had an alternate efficacious remedy available to him under Section 16 of the Punjab Land Revenue Act, 1887 and in view

of the same, the petitioner had withdrawn the said writ petition with liberty to approach the revisional authority under Section 16 of the aforementioned Act.

Learned counsel for the petitioner has further submitted that the petitioner thereafter filed the ROR on 19.12.2022 along with the stay application dated 19.12.2022 and in the said matter, no exact date of hearing has been provided and the matter is likely to be listed for hearing in the later half of January, 2022. Learned counsel for the petitioner has also submitted that the petitioner would be satisfied in case respondent No.2 Financial Commissioner (Appeals), Punjab before whom the said ROR, along with stay application, is pending for preliminary hearing, is directed to take up the said ROR, along with the said application, for preliminary hearing within a period of 10 days from the date of receipt of certified copy of this order and to also consider the application for stay within the said period.

Keeping in view the above-said facts and circumstances and also the fact that as per the case of the petitioner, the said ROR filed by the petitioner, along with the stay application, is pending before respondent No.2, respondent No.2 is directed to take up the said ROR, along with the stay application, for preliminary hearing within a period of 10 days from the date of receipt of certified copy of the present order and to pass an appropriate order on the stay application in accordance with law.

It is made clear that this Court has not given any opinion with respect to the merits of the case and it would be open to respondent

No.2 to grant stay or refuse the same after considering the merits of the case of the petitioner, in accordance with law.

It would also be open to respondent No.2 to even adjudicate upon the main revision petition at the time of hearing of the revision petition alongwith the stay application at the preliminary stage.

Present petition stands disposed of in view of the above-said terms.

January 04, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No