

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

CWP-28282-2023

Decided on 15.12.2023

Bachittar Singh and another

...Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ravi Chadda, Advocate, for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for setting aside the impugned *Sanad Taqseem* dated 22.09.2023 (Annexure P-18) passed by the learned Tehsildar-cum-Assistant Collector Ist Grade, Tanda, whereby the application filed by respondent No.5 has been allowed vide order dated 27.02.2023 (Annexure P-15) and also issued *Naksha Zeem* and *Sanad* against the petitioner. Further prayer has been made to direct respondent No.2 to take up the pending revision petition alongwith stay application. Another prayer has been made for setting aside the order dated 24.11.2022 (*ex parte* order) (Annexure P-10), order dated 20.12.2022 (finalizing the mode of partition) (Annexure P-11) and final order dated 27.02.2023 (Annexure P-15) passed by the learned Tehsildar-cum-Assistant Collector Ist Grade, Tanda.

Learned counsel for the petitioners has fairly submitted that he restricts his prayer only qua the disposal of the pending revision petition which has been filed alongwith stay application.

In view of the submissions made by learned counsel for the petitioners, the present petition is entertained only qua the prayer regarding pending revision petition.

Learned counsel for the petitioners has submitted that revision petition has been filed alongwith stay application which is pending before respondent No.2 for 02.02.2024. He submits that in the meantime respondent-State has already initiated execution proceedings as is evident from the order dated 14.11.2023 (Annexure P-19). He has submitted that if the execution proceedings are over before the stay application is heard by the learned Financial Commissioner, the revision petition would be rendered infructuous and the petitioner would be seriously prejudiced.

Notice of motion.

Ms. Akshita Chauhan, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State.

After hearing learned counsel for the parties, it is apparent that ROR No.1398 of 2023 alongwith stay application is fixed for 02.02.2024 before respondent No.2-Financial Commissioner. As the execution proceedings have been initiated, the submissions made by learned counsel for the petitioners, are found to be genuine by this Court. Thus, the present petition is disposed of with a direction to respondent No2.-Financial Commissioner Revenue, Punjab to hear the revision petition alongwith the stay application on the date fixed i.e. 02.02.2024 before him. The execution proceedings initiated would remain in abeyance till 02.02.2024.

(RAJESH BHARDWAJ)
JUDGE

15.12.2023
sharmila

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No