

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.28045 of 2023
Date of decision : 14.12.2023

Gurmeet Singh

..... Petitioner

Versus

Financial Commissioner (Revenue), Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sunny K. Singla, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed for quashing the order dated 23.11.2023 (Annexure P-5) passed by respondent No.1 in ROA No.69 of 2023, whereby stay application (Annexure P-4) has been wrongly dismissed by respondent No.1 without considering the facts and circumstances of the case and against the provisions of law. Further prayer has been made for staying the operation and implementation of impugned order dated 16.08.2023 (Annexure P-2) passed by respondent No.2 during the pendency of the present petition.

It has been contended by learned counsel for the petitioner that the petitioner was appointed as Lambardar of the village by the Collector. He submits that appeal against the same was filed by respondent No.4. He submits that the learned Commissioner set aside the order passed by the Collector and remanded the case vide his order dated 16.08.2023 (Annexure P-2). He submits that petitioner assailed the same by way of filing the appeal before the learned Financial Commissioner. He has submitted that the learned Financial Commissioner declined the stay by virtue of the impugned order. He

submits that as the stay has been declined by the learned Financial Commissioner, the Collector is proceeding with the appointment of the Lambardar in pursuance to the order passed by the Commissioner. He submits that if the Collector finalizes the proceedings during the pendency of the appeal filed by the petitioner, the same would be rendered infructuous and the petitioner would be seriously prejudiced.

Notice of motion.

On asking of the Court, Ms. Akshita Chauhan, DAG, Punjab appears and accepts notice on behalf of respondents No.1 to 3. She prays for some time to file reply.

On hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner has assailed the order of remand passed by the Commissioner by virtue of filing the appeal in which the stay has been declined. The argument raised by learned counsel for the petitioner that if the Collector finalizes the proceedings during the pendency of the appeal, he would be prejudiced is genuine one as in that case his appeal would be rendered infructuous.

In view of the above position, the present petition is disposed of with a direction to respondent No.1 to conclude the proceedings in the appeal filed by the petitioner expeditiously in accordance with law. However, the Collector is directed not to pass the final order before the proceedings in the appeal filed by the petitioner before the Financial Commissioner are finalized.

14.12.2023
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(RAJESH BHARDWAJ)
JUDGE

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