

121

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.365 of 2024
Date of decision : 09.01.2024

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 for directing respondent No.2 to decide the stay application (Annexure P-8) filed by the petitioner along with the revision petition for staying the impugned order dated 19.09.2023 (Annexure P-1) passed by respondent No.3 as warrants of possession have been issued 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 petition (Annexure P-8) pending before respondent No.2, the operation of warrants of possession dated 04.10.2023 (Annexure P-3) be stayed or dispossession of the petitioners from the property in question may also be stayed.

Learned counsel for the petitioners has submitted before this Court that the petitioners have filed the revision petition along with stay application before respondent No.2 and the same is now pending consideration for 05.03.2024. She submits that warrants of possession have already been issued on 04.10.2023 and if the stay application filed by the

petitioners is not heard and the possession is taken from the petitioners, they would be prejudiced as the stay application as well as the revision petition filed by the petitioners would automatically render infructuous.

Notice of motion to the official respondents at this stage.

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 has submitted that the revision petition along with the stay application is fixed for 05.03.2024 before respondent No.2.

After hearing learned counsel for the parties and perusing the record, it is apparent that the revision petition along with the stay application filed by the petitioners is fixed for consideration on 05.03.2024 before respondent No.2. The copy of warrants of possession issued is also placed on record as Annexure P-3.

In view of the facts and circumstances of the case, the present petition is disposed of with a direction to respondent No.2-the Commissioner, Karnal Division, Karnal to decide the stay application filed by the petitioners along with the revision in accordance with law on the date fixed i.e. 05.03.2024.

Operation of order/warrants of possession dated 04.10.2023 (Annexure P-3) shall remain stayed till the decision of the stay application by respondent No.2.

Copy of the order be given dasti to learned State counsel.

09.01.2024
rittu

(RAJESH BHARDWAJ)
JUDGE

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