

THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.672 of 2024
Date of Decision: 11.01.2024

Guljinder Singh
..... Petitioner

Versus

State of Haryana and others
..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vikram Singh, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (ORAL)

Present writ petition has been filed for staying the operation and implementation of Sanad Takseem dated 04.07.2023 (Annexure P-1) during the pendency of ROR No.342 of 2023 with stay application dated 12.12.2023 (Annexure P-2) till the decision of stay application/ROR as the matter has been adjourned for 05.03.2024 straightway without hearing the stay application whereas the matter is of urgent nature and if the stay has not been granted then the petitioners will suffer an irreparable loss and injury as the warrants of possession has been issued.

Learned counsel for the petitioner has submitted that inadvertently respondent No.1 i.e. the State of Haryana has been impleaded in this case through the Financial Commissioner-cum-Principal Secretary, however the same should be done through the Divisional Commissioner, Karnal. He submits that the necessary

correction may kindly be made on his oral request and the same be read as the Divisional Commissioner, Karnal.

Keeping in view the request made by learned counsel for the petitioner and keeping in view the facts and circumstances of the case, the necessary correction is allowed to be done and respondent No.1 now be read as State of Haryana through the Divisional Commissioner, Karnal.

Registry is directed to carry out the necessary correction in the memo of parties.

It has been contended by learned counsel for the petitioner that the petitioner has filed the revision petition being ROR No.342 of 2023, which is pending adjudication before the Divisional Commissioner, Karnal. He submits that now the revision petition has been fixed for hearing along with the stay application on 05.03.2024. He submits that during the pendency of the same, warrants of possession have already been issued and the date is fixed for submitting the compliance report on 18.01.2024. He submits that if the possession is taken without hearing the stay application filed by the petitioner, the petitioner would be seriously prejudiced.

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 and 2. She, on instructions from Mr. Sant, ADA, has submitted that the case is fixed for hearing before the Divisional Commissioner on 23.01.2024.

On hearing learned counsel for the parties and perusing the record, it is apparent that the revision petition filed by the petitioner along with the stay application is pending and warrants of possession have been issued. Though learned counsel for the petitioner has submitted that the case is fixed for 05.03.2024, however learned State counsel has submitted that the case is fixed for 23.01.2024.

In view of the position above, the present petition is disposed of with a direction to respondent No.1 i.e. the Divisional Commissioner, Karnal, before whom the revision petition is pending, to hear the stay application filed by the petitioner along with the revision petition and decide the same on hearing both the sides in accordance with law expeditiously.

Till then, the operation of warrants of possession dated 18.12.2023 would remain in abeyance.

(RAJESH BHARDWAJ)
JUDGE

11.01.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No