

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

**CWP-2617-2024
Decided on : 06.02.2024**

Bimla Devi and others

..... Petitioners

Versus

Financial Commissioner Revenue and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Akshit Aggarwal, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (Oral)

Prayer in the present petition is for issuance of direction to respondent No.1 to consider and pass an appropriate order on the stay application filed by the petitioner in ROR No.70 of 2023 which is pending adjudication before the Court of respondent No.1 and is now fixed for 07.03.2024 as the private respondent No.8 is adamant to sell the disputed property after the order dated 30.11.2022 was passed by respondent No.2 i.e. Divisional Commissioner Ambala, Ambala Cantt. vide which respondent No.2 has cancelled the mutation No.502 by exceeding its jurisdiction in violation to Section 13, 14 and 16(2) & (3) of the Punjab Land Revenue Act, 1887 and further in violation of Section 45 of the said Act wherein a civil suit No.CS/769/2022 dated 27.04.2022 is already pending adjudication before the Civil Courts, Ambala. Further prayer has been made to restrain respondent No.8 from selling the disputed property during the pendency of the above-said ROR No.70 of 2023 filed by the petitioner which is pending adjudication before respondent No.1.

Learned counsel for the petitioner has *inter alia* contended that mutation was entered in the name of predecessor-in-interest of the petitioner in the year 2005 by the Assistant Collector 2nd Grade. He submits that the

same was challenged after 17 years before the Divisional Commissioner, Ambala who has illegally set aside the well reasoned order passed by the Assistant Collector 2nd Grade. He submits that the petitioner assailed the same by way of filing revision i.e. ROR No.70 of 2023 alongwith the stay application before the learned Financial Commissioner. He submits that despite number of adjournments, the stay application has not been decided till date by the learned Financial Commissioner. He has submitted that now the revision is fixed for hearing on 07.03.2024.

Notice of motion to the officials respondents only.

Ms. Upasana Dhawan, Assistant Advocate General, Haryana, accepts notice on behalf of the respondent-State.

After hearing learned counsel for the parties, the present petition is disposed of with a direction to respondent No.1 i.e. Financial Commissioner Revenue, Haryana to take up the revision petition alongwith the stay application on the date fixed i.e. 07.03.2024 and decide the stay application expeditiously after hearing the parties in accordance with law.

Status quo shall be maintained till 07.03.2024 i.e. the date fixed before the learned Financial Commissioner.

06.02.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No