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

CWP-11737-2024  
Date of decision: 20.05.2024

Sudeep Dahiya

...Petitioner

Versus

Deputy Commissioner-cum-Appellate Tribunal and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

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

Ms. Rajni Gupta, Addl. A.G., Haryana.

Mr. Akshay Bhan, Sr. Advocate with  
Mr. Harsh Gupta, Advocate for respondent No.3.

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**VIKAS BAHL, J. (ORAL)**

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus for staying the operation of order dated 08.05.2024 (Annexure P-4) passed by respondent No.2 till the decision of the appeal (Annexure P-5) preferred by the petitioner before respondent No.1.

2. Learned counsel for the petitioner has submitted that vide order dated 08.05.2024 (Annexure P-4), an application filed by the Senior Citizen for cancellation of the transfer deed had been allowed and it has further been ordered that possession of the land in question be taken from the petitioner within a period of one month from 08.05.2024. It is further submitted that



against the said order, the petitioner had filed an appeal (Annexure P-5) along with application for stay but however, the said appeal has been listed for preliminary hearing on 09.07.2024.

3. Learned counsel for the petitioner has submitted that at any rate, the preliminary appeal deserves to be heard urgently along with application for stay.

4. Learned Senior Counsel appearing on behalf of respondent No.3 as well as learned State Counsel have submitted that they have no objection in case the appeal is preponed and the case is taken up for hearing on or before 30.05.2024 for preliminary hearing provided that the appeal shall be duly constituted.

5. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with the following directions:-

- i) Respondent No.1, before whom the appeal (Annexure P-5) along with application for stay filed against the order dated 08.05.2024 is pending, is directed to consider the appeal along with application for stay for preliminary hearing on or before 30.05.2024 and is further directed to decide the application for stay within a period of three days from the date the parties appear and matter is taken up for preliminary hearing.
- ii) It is made clear that this Court has not opined on the merits of the case and respondent No.1 would consider the appeal as well as application for stay for preliminary hearing and pass an order on the same, in accordance with law.

**20.05.2024**

*Pawan*

**(VIKAS BAHL)  
JUDGE**

**Whether speaking/reasoned:- Yes/No**

**Whether reportable:- Yes/No**