

2024:PHHC:089410



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

(239)

**CWP No.13008 of 2017
Date of Decision: 17.07.2024**

KRISHAN KUMAR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present:- Mr.Mukesh Yadav, Advocate for the petitioner.

Mr.Randhir Singh, Add. A.G, Haryana.

None for respondent No.5.

HARSH BUNGER, J.(ORAL)

1. The present Civil Writ Petition has been filed under Article 226/227 of the Constitution of India praying for issuance of a writ of certiorari for setting aside the order dated 08.02.2017 (Annexure P-1) passed by the Commissioner, Gurugram Division, Gurugram.

2. At the outset learned State counsel submits that against the order passed by the learned Commissioner in matter pertaining to appointment of Lambardar, the petitioner has remedy by way of appeal/revision before the Financial Commissioner, however, he has directly approached this Court by way of the present writ petition.

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3. At this stage learned counsel for the petitioner submits that although he had earlier filed an appeal against the order passed by learned Commissioner, however, in view of the notification dated 10.04.2017 issued by the State of Haryana, conferring the revisional power(s) upon the concerned Divisional Commissioner(s), as regards the matters pertaining to partition, he had withdrawn the appeal under a bonafide belief and mistake that the same applies to case(s) of Lambardar as well and accordingly filed the present petition.

4 Learned counsel for the petitioner further submits that he may be permitted to withdraw this writ petition, with liberty to avail his remedy before the concerned Financial Commissioner.

5 Learned counsel for the petitioner further submits that while issuing notice of motion in the present petition, an interim stay was granted as regards the order dated 08.02.2017 (Annexure P-1) passed by the learned Commissioner and he prays that the same may be extended for another period of four weeks.

5.1 Learned State counsel does not oppose the aforesaid course of action.

6 In view of the above, the present petition is dismissed as withdrawn with liberty to the petitioner to avail his remedy of appeal / revision against the order dated 08.02.2017 (Annexure P-1) passed by the Commissioner before the Financial Commissioner.

6.1 It is further directed that the interim stay order dated 02.06.2017 passed by this Court shall enure for a further period of one month from today.

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- 7. It is made clear that in case petitioner files any appeal/ revision before the learned Financial Commissioner, then the same shall be decided by the concerned authority in accordance with law and without being influenced by anything stated herein above, in this order.
- 8. The instant petition is accordingly disposed of.
- 9. All pending applications (if any) shall also stand closed.

July 17, 2024
Raman

(HARSH BUNGER)
JUDGE

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