

2024:PHHC:094796



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

CWP-17372-2024

Date of Decision: 26.07.2024

Charanjit Kaur (Deceased) Through LR Kulwinder Singh

..... Petitioner

Versus

Financial Commissioner, Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Sh. Kulwinder Singh (Legal Representative
of the deceased-Charanjit Kaur)-in-person.

HARSH BUNGER J. (ORAL)

1. The instant writ petition has been filed under Articles 226/227 of the Constitution of India *inter alia* praying for directing the learned Financial Commissioner (Appeals), Punjab to adjudicate the stay application along with revision petition, bearing ROR No.27 of 2024, preferred by the petitioner, challenging order dated 08.11.2023 (Annexure P-1) passed by the learned Commissioner, Jalandhar Division, Jalandhar.

2. Sh. Kulwinder Singh (legal representative of deceased-Charanjit Kaur) is present in Court today and has handed over the photocopy of his Aadhaar Card, as a proof of identity, which is taken on record as Mark 'A', subject to all just exceptions. It is submitted that he (Kulwinder

Singh) being the legal representative of Charanjit Kaur had filed the revision petition (ROR No.27 of 2024) before the learned Financial Commissioner (Appeals), Punjab, challenging the order(s) passed by the Revenue Authorities in the partition proceedings, which was listed for hearing on 19.07.2024, however on the said date, the Court was not held and the matter now stands adjourned to 30.08.2024. It is further submitted that under the garb of earlier orders passed by the learned Commissioner, Jalandhar Division, Jalandhar, respondent No.2 in connivance with the revenue staff is bent upon forcibly dispossessing the petitioner from the property in question. Accordingly, it has been prayed that appropriate directions be issued to the learned Financial Commissioner (Appeals), Punjab for taking up the stay application along with the aforesaid revision petition filed on their behalf on an early date, and till that time, the parties may be directed to maintain *status quo qua* possession at the spot.

3. Sh. Kulwinder Singh (legal representative of the deceased-Charanjit Kaur) is unable to show as to whether any application for preponement of the date of hearing in the aforesaid revision petition (ROR No.27 of 2024) and/or the stay application has been filed before the concerned Court.

4. Be that as it may, in case an application for preponement of the date of hearing in the revision petition (ROR No.27 of 2024) is filed on behalf of the petitioner before the learned Financial Commissioner (Appeals), Punjab within a period of four days from today, the same shall be heard and the date of hearing in the revision petition (ROR No.27 of 2024) be preponed from 30.08.2024 to an earlier date; and on the preponed date, the stay application submitted along with the revision petition filed by the petitioner be decided at the earliest.

5. Further, the parties are directed to maintain *status quo qua* the possession (as existing today) until the aforesaid stay application filed along with the revision petition (ROR No.27 of 2024) is decided by the learned Financial Commissioner (Appeals), Punjab.

6. It is made clear that in case no such application is filed on behalf of the petitioner within a period of four days from today, then this order shall have no effect.

7. It is further made clear that the concerned Financial Commissioner shall decide the stay application/revision petition without being influenced by any of the observations made hereinabove.

8. Present writ petition is disposed of in the aforesaid terms.

9. All pending application(s), if any, shall also stand closed.

26.07.2024

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No