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

CWP-18024-2024

Date of Decision: 31.07.2024

Pratap

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Dr. Deepak Jindal, Advocate
for the petitioner.

HARSH BUNGER, J. (Oral)

1. Petitioner (Pratap) has filed the instant Writ Petition under Articles 226/227 of the Constitution of India seeking issuance of writ in the nature of Certiorari for setting aside the order dated 24.04.2024 (Annexure P-5), passed by learned Commissioner, Hisar Division, Hisar, whereby the stay application filed by the petitioner along with his appeal bearing No. 110 dated 18.11.2022 (ER-15981/Partition/16-06-2023) has been dismissed.

2. Learned counsel for the petitioner submits that the learned Commissioner, Hisar has wrongly dismissed the stay application filed by the petitioner without appreciating the prayer made in the same. It is submitted by learned counsel for the petitioner that learned Commissioner, Hisar has wrongly considered the prayer made by the petitioner regarding dispossession whereas, the only prayer made by him was for staying the

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proceedings before the learned Assistant Collector II Grade, Hisar in the partition proceedings during the pendency of the appeal before the said Court.

3. It is noticed that the petitioner was proceeded against *ex parte* in the partition proceedings before learned Assistant Collector II Grade, Hisar, however, subsequently on an application for setting aside of the proceedings, the petitioner was permitted to join the partition proceedings from the date of passing of the order dated 08.04.2021.

4. It is the contention of the petitioner that he should have been permitted to join the proceedings from the initial stage and since the said issue is pending before the learned Commissioner, Hisar, it would be in the interest of justice, if the further proceedings before the Assistant Collector II Grade, Hisar be stayed.

5. Given the nature of order being passed, there is no necessity to issue notice to the private respondents as no further proceedings and/or pleadings are required.

6. Notice of motion only to the official respondents/State. On the asking of the Court, Ms. Upasana Dhawan, AAG, Haryana, who is present in the Court accepts notice on behalf of respondents No.1 to 4.

7. In view of the aforementioned facts and circumstances, the present petition is disposed of with a direction that during the pendency of the aforesaid appeal before the Court of learned Commissioner, Hisar, the partition proceedings before the Court of concerned Assistant Collector shall remain stayed, however, the same shall be subject to the final order to be passed by learned Commissioner, Hisar in the appeal filed by the petitioner herein. It is further directed that let the aforesaid appeal filed by the

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petitioner herein be decided by learned Commissioner, Hisar within a period of three months from today.

8. The instant petition is disposed of, accordingly.
9. All pending application(s), if any, shall also stand closed.

31.07.2024*Himani***(HARSH BUNGER)
JUDGE**

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