

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

**CWP-21284-2024
Date of Decision: 02.09.2024**

Deepak Sharma

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

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

Ms. Upasana Dhawan, AAG, Haryana assisted by
Mr. Nitin, Reader to the Divisional Commissioner, Rohtak.

HARSH BUNGER J. (ORAL)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of Certiorari to set aside order dated 08.08.2024 (Annexure P-4) passed by the learned Divisional Commissioner, Rohtak, whereby the stay granted in favour of the petitioner vide order dated 25.07.2024 (Annexure P-3) has been vacated.

- 2. Notice of motion.
- 3. Ms. Upasana Dhawan, Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents-State. She, on instructions from Mr. Nitin, Reader to the Divisional Commissioner, Rohtak, submits that although earlier, the stay was granted in favour of the petitioner vide order dated 25.07.2024 (Annexure P-3), however, the matter was not finally argued on behalf of the petitioner on the next date of hearing,

i.e. 08.08.2024, and probably on that account, the said stay order was vacated by the learned Divisional Commissioner, Rohtak vide order dated 08.08.2024 (Annexure P-4). Nevertheless, the said factum is not forthcoming from order dated 08.08.2024 (Annexure P-4), accordingly, learned counsel for the State very fairly concedes that the same is without any reasoning, and therefore, unsustainable in the eyes of law. It is also not disputed that the appeal preferred by the petitioner is pending consideration before the Divisional Commissioner, Rohtak, for 12.09.2024.

4. At this stage, learned counsel for the petitioner undertakes to argue the matter before the learned Divisional Commissioner, Rohtak on the date fixed, i.e. 12.09.2024.

5. Keeping in view the aforesaid submissions made by learned counsel for the parties, the present writ petition is partly allowed by setting aside order dated 08.08.2024 (Annexure P-4) passed by the Divisional Commissioner, Rohtak.

5.1 Further, order dated 17.07.2024 passed by the Deputy Commissioner, Sonapat shall remain stayed till 12.09.2024; and the matter shall be finally heard and decided by the Divisional Commissioner, Rohtak, after affording due opportunity of hearing to all the concerned parties, on the date fixed, i.e. 12.09.2024, by passing a speaking order in accordance with law.

6. The present writ petition is disposed of in the aforestated terms.

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

02.09.2024

Apurva

(HARSH BUNGER)

JUDGE

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|--------------------------------|--------|
| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |