

2024:PHHC:137734



121

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

CWP-28672-2024

Date of Decision: 22.10.2024

Jagmohan Aggarwal and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

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

Ms. Upasana Dhawan, AAG, Haryana assisted by
Mr. Ramesh Verma, Personal Assistant,
Divisional Commissioner, Ambala.

HARSH BUNGER J. (ORAL.)

Petitioners have filed the instant writ petition under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of Mandamus/Prohibition to stay the operation of order dated 20.09.2024 (Annexure P-2) passed by the learned Assistant Collector, Ist Grade, Ladwa, during pendency of the revision petition filed by petitioner.

2. Learned counsel for the petitioners submits that vide order dated 20.09.2024, the learned Assistant Collector, Ist Grade, Ladwa had

issued *Sanad Takseem* (Instrument of Partition) in the partition case bearing No.53/TL dated 28.04.2023.

2.1 Being aggrieved against the said *Sanad Takseem*, the petitioners preferred a revision petition before the learned Commissioner, Ambala Division, Ambala; which was listed for hearing on 16.10.2024. However, the Divisional Commissioner, without considering the stay application filed by petitioners along with the revision petition, adjourned the matter to 20.11.2024.

3. Learned counsel for the petitioners has referred to Annexures P-4 to P-6 and has also handed over a photocopy of notice dated 18.10.2024 regarding delivery of possession in pursuance of the aforesaid *Sanad Takseem*, in Court today; according to which, the possession is to be taken from the petitioners, today (22.10.2024). Said photocopy of notice dated 18.10.2024 is taken on record, subject to all just exceptions.

3.1 Learned counsel for the petitioners submits that in case possession is taken from the petitioners then the whole purpose of filing the aforesaid revision petition would be defeated.

4. Notice of motion.

5. 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. Ramesh Verma, Personal Assistant, Divisional Commissioner, Ambala; submits that the revision petition is pending before the Divisional Commissioner for 20.11.2024 and in all probabilities, the stay application filed by petitioners along with the revision petition would be considered and decided on the said date, i.e. 20.11.2024; and till then, the warrants of possession would not be executed.

6. Learned counsel for the petitioners submits that in view of the aforesaid statements made by learned State counsel, he does not intend to pursue the instant writ petition any further.

7. Ordered accordingly.

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

9. A copy of this order be handed over to learned counsel for the petitioners under the signature of the Court Secretary.

22.10.2024

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No