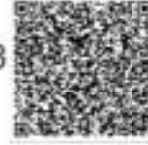


2024:PHHC:148028



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

**CWP-30621-2024
Date of Decision: 13.11.2024**

Ali Mohd.

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vikram Singh, Advocate and
Mr. Talim Hussain, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

Mr. Partap Singh, Advocate and
Mr. M.S. Kathuria, Advocate
for respondent No.10.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, for issuance of a writ in the nature of Certiorari to set aside order dated 30.10.2024 (Annexure P-12) passed by the learned Commissioner, Faridabad Division, Faridabad; whereby the interim/stay order dated 16.10.2024 (Annexure P-11), granted in favour of the petitioner during pendency of Execution Appeal in Panchayati Raj No.59 of 2024, has been vacated by preponing the date of hearing in the aforesaid appeal, on an application being moved by the

complainant.

1.1 A further prayer has been made for issuance of a writ in the nature of Mandamus to direct the respondents to stay the operation of order dated 14.10.2024 (Annexure P-10) passed by the learned Deputy Commissioner, Nuh, during the pendency of Executive Appeal in Panchayati Raj No.59 of 2024; and further staying order dated 05.11.2024 (Annexure P-14), whereby the proceedings for handing over the charge to majority Panch has been fixed for 13.11.2024.

2. Notice of motion.

3. At this stage, Ms. Upasana Dhawan, Assistant Advocate General, Haryana and Mr. Partap Singh, Advocate, who are present in Court, accept notice on behalf of the respondents-State and respondent No.10, respectively.

4. Learned counsel for respondent No.10 concedes that order dated 14.10.2024 (Annexure P-10) passed by the learned Deputy Commissioner, Nuh, is a non-speaking order; and he has endorsed his no objection in case the aforesaid order (Annexure P-10) is stayed till the decision of Executive Appeal in Panchayati Raj No.59 of 2024; which is fixed for hearing on 20.11.2024. However, a time bound direction is prayed for deciding the said appeal.

5. Learned counsel for the petitioner does not raise any serious dispute to the aforesaid course of action.

6. Keeping in view the aforesaid submissions made by learned counsel for the parties, order dated 30.10.2024 (Annexure P-12) passed by the learned Commissioner, Faridabad Division, Faridabad is set aside. The Appellate Authority is directed to decide the Executive Appeal in Panchayati Raj No.59 of 2024 on the date already fixed, i.e. 20.11.2024, or

in any case, not beyond four weeks thereafter.

6.1 Further, order dated 14.10.2024 (Annexure P-10) passed by the learned Deputy Commissioner, Nuh shall remain stayed till the final decision of the aforesaid Executive Appeal in Panchayati Raj No.59 of 2024.

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

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

13.11.2024

Apurva

(HARSH BUNGER)
JUDGE

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