

2025:PHHC:013736



145

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

CWP-2326-2025

Date of Decision: 28.01.2025

Suman

..... 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.

Mr. Manu K.Bhandari, Advocate and
Mr. Manu Gaur, Advocate
for caveator/respondent No.5.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, for issuance of a writ in the nature of Certiorari to set aside order dated 15.01.2025 (Annexure P-6) passed by the learned Divisional Commissioner, Karnal, only to the extent that the stay granted to petitioner, vide earlier order dated 24.10.2024 (Annexure P-3), has been vacated and that too without recording any reason thereof.

1.1 A further prayer has been made for restoring interim/stay granted vide order dated 24.10.2024 (Annexure P-3) during the pendency of

Executive Appeal No.522 of 2024 filed by the petitioner before the learned Divisional Commissioner, Karnal.

2. Notice of motion.

3. Ms. Upasana Dhawan, Assistant Advocate General, Haryana and Mr. Manu K. Bhandari, Advocate, who are present in Court, accept notice on behalf of the respondents/State and caveator/respondent No.5, respectively. Caveat stands discharged.

4. Learned counsel for the respondents do not dispute the fact that in order dated 15.01.2025 (Annexure P-6) passed in Executive Appeal No.522 of 2024, the learned Divisional Commissioner, Karnal has failed to record any reason for vacating the stay which was earlier granted in favour of the petitioner; and submits that to the said extent, order dated 15.01.2025 (Annexure P-6) would be unsustainable. It is further stated that the appeal (Executive Appeal No.522 of 2024) filed by the petitioner is now listed for 30.01.2025 before the learned Divisional Commissioner, Karnal.

4.1 Learned counsel for respondent No.5 submits that he has no objection in case stay order dated 24.10.2024 (Annexure P-3) is extended till the final decision of the aforesaid appeal; however, it is prayed that a time bound direction may be issued to the learned Divisional Commissioner, Karnal to decide the appeal (Executive Appeal No.522 of 2024).

5. The aforesaid course of action is not disputed by learned counsel for the petitioner as well as by learned State counsel.

6. Keeping in view the submissions made by learned counsel for the respective parties, order dated 15.01.2025 (Annexure P-6) passed by the learned Divisional Commissioner, Karnal is set aside only to the extent whereby the stay granted to petitioner vide earlier order dated 24.10.2024 (Annexure P-3) has been vacated; and it is directed that order dated

24.10.2024 (Annexure P-3) shall remain in force till the final decision of the appeal (Executive Appeal No.522 of 2024) by the learned Divisional Commissioner, Karnal.

6.1 Further, the learned Divisional Commissioner, Karnal is directed to make earnest endeavour to decide the appeal (Executive Appeal No.522 of 2024) on the date already fixed, i.e. 30.01.2025, and in any case, not beyond a period of four weeks thereafter.

7. The instant writ petition is disposed of in the aforesaid terms.

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

28.01.2025

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No