

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

**CWP No. 12634 of 2015.
Date of Decision : 26.06.2015.**

M/s ASF Buildwell Pvt. Ltd.

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH.
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU.**

Present: Ms. Radhika Suri, Senior Advocate with
Ms. Rinku Dahiya, Advocate for the petitioner.

Paramjeet Singh, J.(Oral)

This petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ of mandamus directing the respondents to maintain status quo regarding title and possession of the land in question.

Learned Senior counsel for the petitioner submitted that vide order dated 15.06.2015, the Commissioner, Gurgaon Division, Gurgaon adjourned the appeal filed by the petitioner under Section 13AA of the Punjab Village Common Lands (Regulation) Act to 19.06.2015 and the respondents assured the appellate authority that no demolition activity will be carried out till next date. The Presiding Officer did not hold the Court on 19.06.2015 and the appeal stands adjourned to 02.07.2015. Since, there is no specific order extending the undertaking/assurance given by the respondents, the undertaking ceases to operate. Learned Senior counsel prays that the interim order in view of undertaking may be extended till next date i.e. 02.07.2015, otherwise, in case of demolition, the petitioner shall suffer huge irreparable loss. Counsel for the petitioner states that the respondents have already been served before the appellate authority.

Since, the undertaking has already been given by the Municipal Corporation, Gurgaon that they will not carry out any demolition till 19.06.2015, it would be just and fair that this undertaking remains in operation till 02.07.2015 i.e. the date fixed in the appeal.

In view of the above, without issuing notice of motion, the petition is disposed of with a direction that the undertaking given by respondent No. 5 not to carry out any demolition shall remain in operation till 02.07.2015. It is further directed that the appellate authority shall decide the appeal on the date fixed or within a week thereafter.

Disposed of.

(Paramjeet Singh)
Judge

(Harinder Singh Sidhu)
Judge

June 26, 2015
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