

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

**CWP No.13881 of 2015
Date of Decision: 13.07.2015**

Bahadur Singh

.....Petitioner

Versus

State of Punjab & others

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. H.K.Brinda, Advocate
for the petitioner.

Ms. Naiya Gill, Advocate
for respondent No.4/caveator.

RAJIVE BHALLA, J (ORAL)

The petitioner prays for issuance of a writ in the nature of certiorari quashing warrant of possession, dated 09.07.2015 (Annexure P-9) primarily on the plea that as the petitioner has filed an appeal on 18.06.2015 (Annexure P-6), against eviction order dated 08.06.2015 (Annexure P-5), the respondents may be restrained from dispossessing the petitioner, from his house during pendency of the appeal.

Counsel for the caveator, Gram Panchayat, contesting respondent No.4 submits that as the petitioner is in possession of common land known as “Deodi Wala Khuh”, the Gram Panchayat seeks to evict the petitioner from the said land and not from his house. The Gram Panchayat may,

therefore, be allowed to execute the warrant of possession.

We have heard counsel for the parties.

Admittedly, the petitioner has filed an appeal challenging eviction order dated 08.06.2015. The appeal is fixed for preliminary hearing on the question of stay on 22.07.2015. We, therefore, dispose of the writ petition by directing the Director, Rural Development and Panchayat, Punjab-respondent No.2, exercising the power of Commissioner under the Punjab Village Common Lands (Regulation) Act, 1961 to consider and decide the petitioner's application for interim relief on the date already fixed or within a week thereafter.

The parties shall maintain status quo with respect to possession of the land in dispute till the appellate authority decides the application for stay, which shall be positively decided on the date already fixed or within a week thereafter.

[RAJIVE BHALLA]
JUDGE

13.07.2015
Vinay

[AMOL RATTAN SINGH]
JUDGE