

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

CWP No. 14256 of 2015
Date of decision: 6.8.2015

Sher Singh and others

... Petitioners

versus

State of Punjab and others

... Respondents

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

Present: Mr.H.S.Rao, Advocate, for
Mr.Vikram Singh, Advocate,
for the petitioners.
Mr.Gurcharan Singh, Advocate,
for respondent No.5-Gram Panchayat.
...

RAJIVE BHALLA, J. (Oral)

The present petition was filed for issuance of a writ of mandamus, directing the official respondents to restrain the Gram Panchayat from interfering in the petitioners' possession during the pendency of appeals under Sections 11(2) and 7(2) of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as 'the Act').

Taking cognizance of the petitioners submissions as well as the submissions made by the caveator-Gram Panchayat, the following order was passed on 17.7.2015:-

“The controversy in the present petition, relates to an

eviction petition, filed by the Gram panchayat, which has been decided in favour of the Gram Panchayat and a petition, filed under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as 'the Act'), by the petitioners, which has been decided in their favour. Appeals by both parties are pending adjudication before the Joint Development Commissioner (IRD) Punjab (exercising the powers of Commissioner, under the Act).

Notice of motion for 06.08.2015.

Counsel for the petitioners as well as counsel for the contesting/ contesting respondent no.5 agree that the Joint Development Commissioner (IRD) Punjab (exercising the powers of Commissioner, under the Act), may be directed to decide the appeals before 30.07.2015, by pre-poning the date fixed for hearing of the appeals, and till 30.07.2015, parties shall maintain *status-quo* with respect to possession.

In view of agreement between counsel for the parties, the Joint Development Commissioner (IRD) Punjab (exercising the powers of Commissioner, under the Act), is directed to decide the appeals, filed by the petitioners as well as Gram Panchayat on or before 30.07.2015.

Parties shall maintain *status-quo* with respect to ownership and possession upto 30.07.2015.

Parties are directed to appear before the Joint Development Commissioner (IRD) Punjab, on 22.07.2015.

Adjourned to 06.08.2015.”

Counsel for the parties have apprised the Court that the appeal filed under Section 7(2) of the Act has been decided and judgment in appeal filed under Section 11(2) of the Act, has been reserved, but has not been pronounced.

In view of the aforesaid facts, the writ petition is disposed of with a direction to the Joint Development Commissioner (IRD), Punjab (exercising the powers of Commissioner, under the Act), to decide the appeal filed by the Gram Panchayat, under Section 11(2) of the Act, within one month of receipt of a certified copy of the order.

The order of status quo shall continue for this period of one month.

(RAJIVE BHALLA)
JUDGE

6.8.2015
pk

(AMOL RATTAN SINGH)
JUDGE