

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 229

Date of Decision: *September 08, 2015*

1. **Civil Writ Petition No.16182 of 2015**

Ajmer Gir & another PETITIONER(S)

VERSUS

State of Punjab & others RESPONDENT(S)

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2. **Civil Writ Petition No.15745 of 2015**

**Gram Panchayat, Chandpur, Tehsil Kharar, Block Majri,
District SAS Nagar (Mohali) through its Sarpanch**

..... PETITIONER(S)

VERSUS

State of Punjab & others RESPONDENT(S)

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CORAM: HON'BLE MR. JUSTICE SURYA KANT
 HON'BLE MR. JUSTICE JASPAL SINGH

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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PRESENT: - Mr. H.B.S. Baidwan, Advocate, for the
petitioners.

Mr. K.K. Gupta, Additional Advocate General,
Punjab.

Mr. Munish Jolly, Advocate, for respondent
No.4.

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Surya Kant, J (Oral)

1. This order shall dispose of cross writ petitions,
one filed by petitioners - Ajmer Gir and Pirthi Gir, and the other
filed by the Gram Panchayat of their village against them.

2. In the petitioner's writ petition i.e. CWP No.16182 of 2015, they are aggrieved by a non-speaking order passed by the Appellate Authority while dismissing their stay application. This Court directed the authorities to maintain status-quo re: possession till today. We are informed that the appeal is now listed for hearing on 17.9.2015.

3. In CWP No.15745 of 2015, the Gram Panchayat is aggrieved by the order rejecting its application by the Appellate Authority in which the Gram Panchayat wanted the respondents to deposit mesne profits before the Appellate Authority.

4. Heard learned counsel for the parties.

5. In view of the fact that the appeal preferred by the writ petitioners in CWP No.16182 of 2015 is stated to be listed for hearing on 17.9.2015, we dispose of this writ petition with a direction to maintain status-quo re: possession till the above stated appeal is decided. However, it is directed that the Appellate Authority shall make an endeavour to decide the appeal on the date fixed or preferably before 30.9.2015.

6. In the writ petition filed by the Gram Panchayat i.e. CWP No.15745 of 2015, the impugned order dated 26.2.2015 has to be set aside as the Appellate Authority, after disbelieving the Gram Panchayat's version that the subject land

could be leased out @ ₹ 24,000/- per acre per annum, has failed to assess the lease money for which the respondents could be asked to furnish adequate security so that interest of the Gram Panchayat could be protected. The Appellate Authority is thus directed to decide the application for the deposit of security or mesne profits, as the case may be, within one week and before deciding the appeal on merits.

7. Disposed of.

8. Dasti.

(Surya Kant)
Judge

(Jaspal Singh)
Judge

September 08, 2015
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