

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.21656 of 2015
Date of Decision: October 09, 2015

Gurcharan Singh and othersPetitioners

versus

The State of Punjab and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Vinod Bhardwaj, Advocate for the petitioners.
Mr.Rajesh Bhardwaj, Additional Advocate General,
Punjab, for respondent Nos.1 to 5.
Mr.Dinesh Kumar, Advocate, for respondent No.6.

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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?

Surya Kant, J. (Oral)

Notice of motion.

On our asking, Mr.Rajesh Bhardwaj, learned Additional Advocate General, Punjab, accepts notice on behalf of respondent Nos.1 to 5 and Mr.Dinesh Kumar, Advocate, accepts notice on behalf of respondent No.6.

Let five copies of the writ petition be supplied to the State counsel and one copy to learned counsel for respondent No.6 during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from the respondents at this stage.

Heard learned counsel for the parties.

It is not in dispute that an eviction order was passed against the petitioners on 24.02.2015 on an eviction application filed by the Gram Panchayat of their village under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961. The above-stated order is indisputably appealable under the 1961 Act. It appears that the petitioners have not got certified copy of the order dated 24.02.2015 and apprehending the demolition of their residential houses that they have approached this Court.

In view of the fact that the impugned order is appealable, we dispose of this writ petition with a direction to the D.D.P.O.-cum-Collector, Sangrur to provide certified copy of the order dated 24.02.2015 to the petitioners within one week and on receipt thereof, the petitioners may file an appeal within two weeks alongwith a stay application. We direct the Appellate Authority to decide the prayer for stay as early as possible but not later than one month from the date of filing of the appeal. Till such order is passed, status-quo re: demolition of petitioners' houses shall be maintained.

The Appellate Authority may also consider the petitioners' offer to give alternative land to the Gram Panchayat, provided that such a solution is not detrimental to the interest of the Gram Panchayat.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

October 09, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE