

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.11613 of 2016

Date of Decision: June 02, 2016

Jaspal Singh and others

.....Petitioners

versus

Joint Development Commissioner (IRD), Punjab and othersRespondents

CORAM:HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE A.B.CHAUDHARI.

Present: Mr.NPS Mann, Advocate, for the petitioners.

Mr.Rajesh Bhardwaj, Additional AG, Punjab.

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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 to respondent Nos.1, 2 & 4 only at this stage.

On our asking, Mr.Rajesh Bhardwaj, learned Additional Advocate General, Punjab, accepts notice on their behalf.

Let three copies of the writ petition be supplied to learned State counsel 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 respondent Nos.1, 2 & 4 or to serve respondent No.3 at this stage as no order on merits prejudicial to their interest is being passed.

The dispute between the petitioners and Gram Panchayat of their village in respect of the suit land, has been decided against the petitioners by the Collector on 04.02.2016 in a petition under Section 11 of

the Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the 1961 Act'). The aggrieved petitioners have filed statutory appeal alongwith stay application on 22.03.2016 (P-3). While their appeal is pending, the Gram Panchayat has issued notice dated 19.05.2016 to lease-out the subject-land by way of auction. The aggrieved petitioners have approached this Court.

Having heard learned counsel for the parties, we are of the considered view that keeping in view the nature of urgency involved, it is imperative upon the Appellate Authority to decide the stay application at the earliest.

Learned counsel for the petitioners points-out that the Presiding Officer who is exercising the powers of Appellate Authority has gone abroad for three weeks.

If that is so, we dispose of this writ petition with a direction that as soon as the Presiding Officer comes back or additional charge is given to some other Officer, he shall decide the stay application within two weeks of such assumption of charge.

Till the stay application is decided, *status quo* re: possession shall be maintained.

Let a copy of this order be given *dasti* to Mr.Rajesh Bhardwaj, learned Additional Advocate General, Punjab, for information and necessary compliance.

[SURYA KANT]
JUDGE

June 02, 2016
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[A.B.CHAUDHARI]
JUDGE