

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14355 of 2015
Date of Decision:-23.2.2016.

Jasmer Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

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?

Present: Mr. N.P.S. Mann, Advocate for the petitioner.

Mr. Rajesh Bhardwaj, Additional A.G. Punjab.

None for respondent No.4-Gram Panchayat.

SURYA KANT, J. (ORAL)

1.) The short grievance of the petitioner in this case is that the DDPO-cum-Collector, SAS Nagar has issued Warrant of Possession dated 26.9.2013 on the basis of an eviction order dated 3.11.2006 which has already been set aside by the Appellate Authority on 19.8.2009 (P-2) thereby remanding the matter to the Collector for fresh adjudication.

2.) The case has been adjourned two three times for completion of pleadings as well as service. Though neither the Gram

Panchayat has filed reply nor the service is complete but we are satisfied that there is no necessity to keep this petition pending. It does appear that the petitioner along with his co-appellants had filed an appeal before the Director, Rural Development and Panchayat Department, Punjab against the eviction order dated 3.11.2006 and the said appeal was allowed in part vide order dated 19.8.2009 (P-2) on the ground that the eviction order was passed without effecting service on some of the affected persons. The case was remanded to the Collector for fresh adjudication.

3.) In this view of the matter, eviction order dated 3.11.2006 no longer exists. No Warrant of Possession could be issued on the basis of that order. Consequently, the writ petition is allowed; the impugned Warrant of Possession dated 26.9.2013 is set aside. However, the Collector is directed to expedite the disposal of the proceedings remanded by the Appellate Authority vide its order dated 19.8.2009 and conclude the same within six months.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

February 23, 2016.

sandeep sethi