

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 26.08.2016

1. CWP No.17325 of 2016

Gurmail Kaur, Panch

... Petitioner

Vs.

State of Punjab and others

... Respondents

2. CWP No.17306 of 2016

Harwinder Kaur, Panch

... Petitioner

Vs.

State of Punjab and others

... Respondents

3. CWP No.17356 of 2016

Sarabjit Kaur, Panch

... Petitioner

Vs.

State of Punjab and others

... Respondents

4. CWP No.17377 of 2016

Baldev Singh, Panch

... Petitioner

Vs.

State of Punjab and others

... Respondents

5. CWP No.17384 of 2016

Vijay Singh, Panch

... Petitioner

Vs.

State of Punjab and others

... Respondents

6. CWP No.17394 of 2016

Manjit Kaur, Panch

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. C.L. Premy, Advocate
for the petitioner.

Mr. B.M.Vinayak, DAG, Punjab.

Mr. Manish Joshi, Advocate
for the complainant-Davinder Singh Sarpanch.

RAMESHWAR SINGH MALIK, J. (ORAL)

These six identical writ petitions are being decided vide this common order, as all the six writ petitions are arising out of similar facts and praying for exactly same relief. However, for the facility of reference, facts are being culled out from CWP No.17325 of 2016 (Gurmail Kaur, Panch Vs. State of Punjab and others).

In all these six cases, feeling aggrieved against the alleged inaction on the part of appellate authority, while not deciding their stay

application, during pendency of their statutory appeal, petitioners have approached this Court, by way of these six identical writ petitions.

Notice of motion.

On asking of the Court, Mr. B.M.Vinayak, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents.

Learned counsel for the petitioner, at the very outset, fairly states that so far as the prayer for issuing of writ in the nature of certiorari is concerned, he does not intend to press these writ petitions for a writ in the nature of certiorari. He further submits that he may be permitted to restrict his prayer only for the writ in the nature of mandamus, directing the appellate authority to decide the pending appeals of the petitioners, at an early date and particularly the stay application so that their appeals may not be rendered infructuous.

Faced with the above, learned counsel for the respondents also fairly states that the appeals filed by the petitioners deserve to be decided at an early date.

Having heard the learned counsel for the parties and without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, all these six writ petitions are disposed of with a direction to the appellate authority i.e. Secretary, Rural Development and Panchayat Department, Punjab-respondent No.1, to decide the pending appeals of the petitioners at an early date. It is also made clear that the appellate authority would do well in case the stay applications are taken up first, heard and decided, by passing an appropriate order, in accordance with law.

However, keeping in view the totality of facts and circumstances of the case and also to ensure that statutory appeals filed by the petitioners may not be rendered infructuous, it is directed that till the stay applications or the appeals are heard and decided by the appellate authority, operation of the orders challenged in appeals, shall remain stayed.

With the abovesaid observations made and directions issued, all these six writ petitions stand disposed of, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

26.08.2016
vishnu

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No