

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5500 of 2016
Date of Decision:-21.3.2016.

Gurmail 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. Rajeev Gupta, Advocate for the petitioner.

SURYA KANT, J. (ORAL)

1.) Notice of motion to respondent Nos.1 to 3 only. On our asking, Mr. Rajesh Bhardwaj, Additional Advocate General, Punjab accepts notice on their behalf. Let two copies of the writ petition be handed over to the learned State counsel during the course of day failing which the writ petition shall stand dismissed for want of prosecution.

2.) Since no order prejudicial to the interest of respondent No.4-Gram Pancyhayat is being passed, it is not necessary to call upon it at this stage.

3.) The petitioner seeks protection of his possession till the

statutory appeal filed by him against the eviction order dated 4.1.2016 is decided by the Appellate Authority, especially when there is no Presiding Officer of the Appellate Authority to entertain and decide the stay application.

4.) The respondent-Gram Panchayat filed a petition under Section 11 of the Punjab Village Common Lands(Regulation) Act, 1962 (for short 'the 1961 Act') seeking declaration of its ownership qua the suit land and the Collector-cum-Divisional Deputy Director, Rural Development and Panchayats, Patiala vide order dated 4.1.2016 allowed that petition. The aggrieved petitioner has filed statutory appeal under Section 11 (2) of the 1961 Act before the Joint Development Commissioner, Development and Panchayat. It is stated that there is no Presiding Officer to entertain the stay application and apprehending his dispossession pursuant to the order passed by Collector, the petitioner has approached this Court.

5.) As the facts would speak for themselves, the petitioner is entitled to a fair hearing of his appeal and stay application. Since it is stated that there is no Presiding Officer, we dispose of this writ petition with a direction to the parties to maintain *status quo* re : possession. The State of Punjab is further directed to post the Presiding Officer of the Appellate Forum, if already not done, within two weeks. The Appellate Authority is directed to decide the appeal as early as possible and preferably within six months.

6.) A copy of this order be given to Mr. Bhardwaj, learned

Additional Advocate General, Punjab for information and necessary compliance.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

March 21, 2016.

sandeep sethi