

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1.)

CWP No.5553 of 2016
Date of Decision:-22.3.2016.

Mewa Singh and others

.....Petitioners

Versus

Principal Secretary, Department of Rural Development and Panchayats,
Punjab and others

.....Respondents

(2.)

CWP No.5555 of 2016

Gurcharan Singh and others

.....Petitioners

Versus

Principal Secretary, Department of Rural Development and Panchayats,
Punjab and others

.....Respondents

(3.)

CWP No.5577 of 2016

Sukhdev Singh and others

.....Petitioners

Versus

Principal Secretary, Department of Rural Development and Panchayats,
Punjab and others

.....Respondents

(4.)

CWP No.5578 of 2016

Gurdial Kaur and others

.....Petitioners

Versus

Principal Secretary, Department of Rural Development and Panchayats,
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. Swarn Tiwana, Advocate for the petitioners.

SURYA KANT, J. (ORAL)

- 1.) This order shall dispose of CWP Nos.5553, 5555, 5577 and 5578 of 2016 as the point in issue involved in these cases is similar.
- 2.) Notice of motion to respondent Nos.1 to 4 only. On our asking, Mr. Rajesh Bhardwaj, learned Additional Advocate General, Punjab accepts notice on their behalf. Let three copies each of all the writ petitions be handed over to the learned State counsel during the course of the day, failing which all these writ petitions shall stand dismissed for non-prosecution.
- 3.) We have not called upon the Gram Panchayat-respondent No.5 at this stage as no order on merits which might be prejudicial to its interest is being passed.
- 4.) The short grievance of the petitioners is that an eviction order under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the 1961 Act') was passed against them by the Collector-cum-DDPO, Patiala on 6.11.2015 at the instance of Gram Panchayat of their village, against which they have filed statutory appeal under Section 7 (2) of the 1961 Act. As the Joint Development Commissioner (IRD) at Mohali is not holding the Court, they are unable to seek *ad interim* stay from the said Appellate Authority. Since they are apprehending dispossession, the instant writ petition has been filed.

5.) After hearing learned counsel for the parties, we dispose of all these writ petitions with a direction to the State Government to post Joint Development Commissioner (IRD) at Mohali and/or to entrust the appellate power to any other competent officer within two weeks. Till such Appellate Authority assumes charge and decides the stay application filed by the petitioners, the parties are directed to maintain status quo subject to the condition that the Appellate Authority shall assess the security amount which the petitioners are liable to deposit with the Collector-cum-DDPO, Patiala without prejudice to their legal rights. If their appeal fails, the security amount so deposited by them shall be released to the Gram Panchayat for the estimated losses suffered by it due to retention of possession of the suit land by the petitioners.

6.) A copy of this order be given to Mr. Rajesh Bhardwaj, learned Additional Advocate General, Punjab for information and necessary compliance.

**(SURYA KANT)
JUDGE**

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

March 22, 2016.

sandeep sethi