

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.5627 of 2016
Date of Decision: March 28, 2016

Mohan Singh and othersPetitioners

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.

Present: Mr.Swarn Tiwana, 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 to 4 only at
this stage.

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

Let four copies of the writ petition be supplied to
the 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 to 4 or to serve respondent No.5 at this stage as no order on merits which might be prejudicial to its interest is being passed.

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, Fatehgarh Sahib on 15.12.2015 at the instance of the Gram Panchayat, against which they have filed statutory appeal under Section 7 (2) of the 1961 Act. As the Joint Development Commissioner (IRD), Punjab 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.

Having heard learned counsel for the parties, we dispose of this writ petition with a direction to the State Government to post the Joint Development Commissioner (IRD) at Mohali and/or to entrust the appellate powers to any other competent officer. 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, Fatehgarh Sahib, 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 loss suffered by it due to retention of possession of the suit land by the petitioners.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

March 28, 2016
mohinder

[P.B.BAJANTHRI]
JUDGE