

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.8469 of 2016

Date of Decision: May 04, 2016

Kanwar Bhan

....Petitioner

versus

Commissioner, Ambala Division and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE A.B.CHAUDHARI.

Present: Mr.Ashwani Kumar Bura, Advocate, for the petitioner.

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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)

The petitioner seeks a direction to the District Development and Panchayat Officer, Kaithal for effecting recovery of the penalty amount from respondent Nos.4 & 5 who are alleged to have retained unauthorized possession over the Gram Panchayat land for 18 years and finally they were dispossessed on 16.02.2016 in execution of the eviction order.

Learned counsel for the petitioner submits that the private respondents prolonged the proceedings on one pretext or the other and continued to enjoy the fruits of the Gram Panchayat land. Learned counsel fairly admits that the appeal filed by private-respondents in the interim stay matter is still pending before the Appellate Authority.

In this view of the matter, it may not be expedient to direct the recovery of penalty amount at this stage as it

would be pre-mature, for the eviction order is yet to attain finality. However, equities can be well balanced with a direction to the Commissioner, Ambala Division, Ambala-respondent No.1 to decide the pending appeal of respondent Nos.4 & 5 in accordance with law and by way of a reasoned order, as early as possible but not later than two months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

May 04, 2016
mohinder

[A.B.CHAUDHARI]
JUDGE