

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-15252-2017

Date of Decision: July 17, 2017

Mukhtiar Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDHIR MITTAL**

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.H.S.Dhandi, Advocate
for the petitioner.

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SURYA KANT, J.

The petitioner has filed a declaratory suit under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (for brevity, 'the 1961 Act'), seeking his ownership qua land measuring 47K-5M, fully described in the head-note of the writ petition and situated in the revenue estate of village Salempur, Tehsil Koom Kalan, District Ludhiana. He has also filed an application for *ad interim* stay in the said suit. It is averred that no order has been passed on the stay application. The Gram Panchayat filed an eviction petition under Section 7 of the 1961 Act, in which eviction order has been passed. The appeal filed by the petitioner is now fixed for 20.07.2017. He can, thus, seek stay in that appeal also. It is stated that stay application has been moved before the Appellate Authority.

In this view of the matter, we dispose of this writ petition with a direction to the Collector before whom petition under Section 11 of the 1961 Act is pending, to decide the stay application within a period of one month. A similar direction is issued to the Appellate Authority before whom the petitioner has challenged the order of eviction to decide the stay application within one month. Till such time the status quo re: possession shall be maintained.

**(SURYA KANT)
JUDGE**

July 17, 2017
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**(SUDHIR MITTAL)
JUDGE**

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |