

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.22624 of 2017 (O&M)

Date of Decision: 03.10.2017

Amarjit Singh & Ors.

... Petitioners

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Rakesh Gupta, Advocate for the petitioners

SURYA KANT, J. (Oral)

(1) The petitioners are residents of village Bargrain, Tehsil Malerkotla, District Sangrur. The Gram Panchayat of their village filed an eviction petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 against the petitioners which was allowed and an eviction order has been passed on 17.03.2017 (P6). The petitioners have challenged that eviction order in a statutory appeal which is pending before the Joint Development Commissioner-cum-Appellate Authority – respondent No.3. The Appellate Authority granted stay to the petitioners till the next date of hearing i.e. 10.08.2017. The Appellate Authority did not hold Court on 10.08.2017 due to which the stay order could not be further extended. Meanwhile, execution proceedings have been initiated and the Field Kanungo has fixed the matter on 04.10.2017 for taking possession of the land from the petitioners. Apprehending their dispossession, the petitioners have preferred this writ petition.

(2) We have heard learned counsel for the petitioners.

(3) Since the Appellate Authority had granted stay to the petitioners which could not be extended due to the fact that the Appellate

ad interim stay deserves to be continued till the Appellate Authority decides the stay application on merits. The writ petition is accordingly disposed of with a direction to maintain *status quo re*: possession till the Appellate Authority decides the stay application of the petitioners on merits.

(4) Let a **dasti** copy of this order be handed over to counsel for the petitioners on payment of usual charges.

(Surya Kant)
Judge

03.10.2017
vishal shonkar

(Sudhir Mittal)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No