

CWP No.23846 of 2017

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.23846 of 2017
Date of decision:31.10.2017**

Talwinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Malkiat Singh, Advocate,
for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

Mr. Nakul Sharma, Advocate,
for respondent no.4.

Rakesh Kumar Jain, J. (Oral)

This petition is filed against the order dated 04.10.2017 (Annexure P-4) by which application for stay, filed by the petitioner, was dismissed during the pendency of Appeal No.38 of 2017 by the Joint Development Commissioner (IRD), Department of Rural Development and Panchayats, Punjab.

Mr. Nakul Sharma, learned counsel appearing on behalf of respondent no.4, submits that the main appeal is now listed for 01.11.2017 before the Appellate Court. He further submits that if the petitioner undertakes to argue the main appeal itself on 01.11.2017, then he would have no objection if *status quo* regarding possession as it exists today is granted till the order is pronounced by the Appellate Authority. He further

submits that in case the petitioner do not argue the main appeal on 01.11.2017 then the order of *status quo* granted by this Court may be ordered to be vacated automatically.

Mr. Malkiat Singh, learned counsel appearing on behalf of the petitioner accepts the aforesaid proposal and submits that there are three appeals pending before the Appellate Authority and the petitioner is one of the appellant, whereas counsel for respondent no.4 submits that there is only one appeal in which there are three appellants.

Be that as it may, the present petition is hereby disposed of by granting *status quo* to the petitioner regarding possession with a condition that in case the appeal pending before the Appellate Authority is not argued by the petitioner(s), then the stay granted by this Court today would be vacated automatically and in case the appeal is argued then the stay would continue till the pronouncement of the order by the Appellate Authority.

Registry is directed to detach/release the record of CWP No.23900 of 2017 from this case.

A copy of this order be given to the learned counsel for the parties under signatures of Special Secretary attached to this Bench.

October 31, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No