

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.27051 of 2017.

Date of Decision: November 28, 2017

Ajit Singh and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.K.D.Sachdeva, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners are residents of village Paharpur, Tehsil and District Patiala. They claim to have taken the Gram Panchayat land measuring 18 kanal 15 marla on yearly lease which includes the lease period for 2017-18. The Gram Panchayat, however, filed an eviction petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 against the petitioners in which the DDPO-cum-Collector, Patiala passed an *ex-parte* eviction order dated 25.10.2017. The petitioners have challenged that order by way of a statutory appeal under the 1961 Act in which stay was granted to them by the Joint Development Commissioner (IRD)-cum-Appellate Authority till 08.11.2017. It is alleged that on 08.11.2017, the turn of the petitioners' appeal did not come and thereafter the Presiding Officer of the Appellate Authority has not held the Court due to which the stay order has not been formally extended beyond 08.11.2017. Taking undue advantage of this fact situation, it is alleged that the Gram Panchayat wants to take physical possession of the land with the police help. In support of the plea, some photographs have been placed on record.

We have heard learned counsel for the petitioners.

In view of the fact that the statutory appeal filed by the petitioners is still pending and is now listed for tomorrow before the Appellate Authority but without expressing any views on merits, the writ petition is disposed of with a direction that the stay granted to the petitioners by the Appellate Authority on 01.11.2017 shall continue to operate till their appeal is decided on merits. The Appellate Authority is directed to decide the appeal at the earliest but not later than three months from the date of receiving a certified copy of this order.

Let a copy of this order be given *dasti* to learned counsel for the petitioners during the course of day on payment of usual charges.

[SURYA KANT]
JUDGE

November 28, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

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