

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.29248 of 2017.

Date of Decision: December 20, 2017

Kabal Singh and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

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

**HON'BLE MR.JUSTICE SUDHIR MITTAL.**

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Present: Mr.J.S.Thind, Advocate, for the petitioners

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**Surya Kant, J.** (Oral)

The petitioners are residents of village Talab Pura, P.O. Ramdas, Block Ajnala, District Amritsar. Their village falls in Gram Panchayat, village Gaggar, P.O. Ramdas, Block Ajnala, District Amritsar. The said Gram Panchayat filed eviction petition under Section 7 of the Village Common Lands (Regulation) Act, 1961 read with Sections 3, 4 & 5 of the Punjab Public Premises Act, 1971 for the petitioners' eviction from the land measuring 35 kanal 12 marla situated within the revenue estate of village Gaggar. The eviction petition was allowed by the Collector, Amritsar vide order dated 07.11.2017. The petitioners have filed their statutory appeal against the eviction order before the Director, Rural Development and Panchayats which is now stated to be listed for hearing of on 09.01.2018. It is alleged that though the petitioners filed appeal immediately but no effective hearing has taken place due to non-availability of Presiding Officer of the Appellate Authority. Resultantly, the petitioners could not get the stay order against their eviction. Meanwhile, the Gram Panchayat has sought police help to dispossess the petitioners from the land in question.

In this view of the matter when the petitioners' statutory appeal is pending for preliminary hearing, we are satisfied that *status-quo* deserves to be maintained till the Appellate Authority decides their stay application. The writ petition is accordingly disposed of with a direction to the parties to maintain *status-quo* re: possession with a further direction to the Appellate Authority to decide the stay application on the date fixed or within two weeks thereafter. The B.D.P.O. concerned is directed to permit the petitioners to have access to the land till such time.

*Dasti.*

**[SURYA KANT]**  
**JUDGE**

December 20, 2017  
*mohinder*

**[SUDHIR MITTAL]**  
**JUDGE**

|                                  |          |               |
|----------------------------------|----------|---------------|
| <b>Whether speaking/reasoned</b> | <b>:</b> | <b>Yes/No</b> |
| <b>Whether Reportable</b>        | <b>:</b> | <b>Yes/No</b> |