

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

CWP No. 9222 OF 2017 (O&M)

Date of decision: 02.05.2017

Shishan and ors.

.. Petitioners

vs.

State of Haryana and ors.

.. Respondents

Coram: **Hon'ble Mr. Justice Rajesh Bindal**
 Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Gobind Dhanda, Advocate for
 Dr. Naresh Kaushik, Advocate
 for the petitioners.

Rajesh Bindal, J.

The petitioners have filed the present petition seeking direction that during the pendency of the appeal and the stay application before the Collector against the warrant of possession, they may not be dispossessed.

It was a case in which order of eviction was passed against the predecessor-in-interest of the petitioners on 30.03.1987. Order had attained finality, as the same was not challenged. In execution, warrant of possession was issued on 20.02.2017. Against the same, the petitioners preferred appeal along with application for stay before the Collector. The same has now been fixed for hearing on 06.06.2017.

Learned counsel for the petitioners submitted that till such time, the stay application pending for hearing before the Collector, dispossession of the petitioners may be stayed. He further submitted that Gram Panchayat has already passed resolution proposing sale of land to the petitioners, which is pending consideration before the Collector.

There is nothing on the record to suggest that any immediate action has been taken against the petitioners to evict them from the property in dispute. In case, any such eventuality arise, the petitioners can first approach the Collector before whom the application for stay is pending and only on his failure to take up the matter, they can approach this Court. No such situation being present, the writ petition is pre-mature. Hence, the same is dismissed.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

02.05.2017
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Whether speaking/reasoned Yes/No

Whether Reportable: Yes/No