

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

CWP No. 9279 OF 2017 (O&M)

Date of decision: 03.05.2017

Sucha and anr.

.. Petitioners

vs.

State of Haryana and ors.

.. Respondents

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

**Present:- 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 is taken up for hearing by 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 is being taken against the petitioners to evict them from the property in dispute. In case, any such eventuality arises, the petitioners can first approach the Collector before whom 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

03.05.2017
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(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned Yes/No

Whether Reportable: Yes/No