

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 28080 of 2018

Date of Decision: 19.11.2018

JAGDISH KAUR AND ANOTHER

....Petitioners

VS.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: **HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.**
 HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Sunil Agnihotri, Advocate,
 for the petitioners.

RAKESH KUMAR JAIN, J. (ORAL)

In brief, respondent No. 5-Gram Panchayat, Village Chaloya, Tehsil and District Pathankot has filed the petition under Sections 4, 5 and 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (hereinafter referred to as 'the Act') before the District Development and Panchayat Officer, Pathankot for seeking eviction of the petitioners from the land in question. The said petition was allowed by the Collector, Pathankot vide order dated 23.02.2018. Admittedly, the petitioners had filed statutory appeal bearing Appeal No. 1188 of 2018 before respondent No. 2-Commissioner which was adjourned to 14.11.2018. It is submitted that the petitioners had also filed an application for staying the operation of the impugned order dated 23.02.2018 alongwith the memorandum of appeal but since, the appeal was not heard by respondent No. 2, therefore, they had filed the present writ petition in this Court in which following order was passed on 01.11.2018:-

“Learned counsel for the petitioners submits that in a pending appeal before the Appellate Authority, it has issued notice of the

appeal. But, in the meanwhile, warrant of possession has been issued and Paddy crop is standing in the fields in question.

There shall be status quo in respect of possession of the field till 19.11.2018.

In the meanwhile, the petitioners are at liberty to pray for grant of interim order before the Director in the pending appeal. The petition will be considered thereafter. The status quo shall operate only till 19.11.2018.

Put up on 19.11.2018.”

Learned counsel for the petitioner has submitted that they went to appear before the respondent No. 2-Commissioner but he did not hold the Court on 14.11.2018 and the case was adjourned to 26.12.2018 for the same purpose. It is submitted by learned counsel for the petitioners that on the one hand respondent No. 2 is not holding Court to hear the statutory appeal, filed by the petitioners against the impugned order, alongwith the application for stay and on the other hand petitioners are being threatened by respondent No. 5 to dispossess them from the land in dispute.

Though, we had not issued any notice in this petition but at this stage, Mr. R.K. Garg, Advocate has put in appearance on behalf of respondent No. 5 and submitted that the writ petition may be disposed of with a direction to respondent No. 2 to decide the application for stay alleged to have been filed by the petitioners alongwith their statutory appeal which is now fixed for 26.12.2018.

After hearing learned counsel for the parties and keeping in view the aforesaid facts and circumstances the present petition is hereby

disposed of with a direction to respondent No. 2, who is allegedly seized of the appeal and application for stay filed by the petitioners, to decide the same, if not the appeal, the application for stay filed by them on the date already fixed i.e. 26.12.2018 or on the adjourned dated, after giving a short adjournment but till then the status quo order granted by this Court shall operate.

[RAKESH KUMAR JAIN]
JUDGE

November 19, 2018
Ess Kay

[ANUPINDER SINGH GREWAL]
JUDGE

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