

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 29661 of 2018

Date of Decision: 22.11.2018

GURBAKSH SINGH AND OTHERS

....Petitioners

VS.

**JOINT DEVELOPMENT COMMISSIONER, PUNJAB, VIKAS
BHAWAN, SECTOR 62, SAS NAGAR, MOHALI AND OTHERS**

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.
 HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Avtar Singh Khinda, Advocate,
 for the petitioners.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioners have prayed for the issuance a writ in the nature of mandamus for seeking direction to respondents No. 2 and 3 to maintain status quo regarding possession till their statutory appeal and application for stay filed under the provisions of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (hereinafter referred to as 'the Act') against the order dated 24.08.2017 passed by the District Development and Panchayat Officer-cum-Collector, Kapurthala is decided.

The petitioners have challenged the aforesaid order by way of an appeal filed under Section 9 of the Act alongwith an application for stay which was listed on 14.11.2018 for preliminary hearing before the appellate Court. However, it is averred in the petition that since, the appellate Court was not holding Court being busy in the elections in the State of Madhya Pradesh, hearing of the appeal and application for stay was adjourned to 26.12.2018. The petitioners have prayed that in the meantime, they may not be dispossessed from the land in dispute.

We have heard learned counsel for the petitioners and after taking into consideration the aforesaid facts and circumstances, dispose of the writ petition with a direction to the parties to maintain status quo till 26.12.2018 and further direct the appellate Court, 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.

[RAKESH KUMAR JAIN]
JUDGE

November 22, 2018
Ess Kay

[AVNEESH JHINGAN]
JUDGE

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