

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No.31093 of 2018 (O & M)
Date of Decision: 18.12.2018

Amarjit Singh 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.Nakul Sharma, Advocate
for the petitioners.

Mr. Suvir Sheokand, Addl. AG, Punjab.

Mr. Harkirat Sandhu, Advocate for respondent No.5.

RAKESH KUMAR JAIN, J.

The petitioners have prayed for the issuance of a writ in the nature of mandamus to direct respondent No.2 to stay the operation of the impugned order dated 03.12.2015 and order dated 15.05.2017 in view of the pendency of the appeal which is now fixed for 26.12.2018.

In brief, the Gram Panchayat (respondent No.5) filed a petition under Section 7 of the Punjab Village Common Land (Regulations) Act, 1961 for seeking eviction of the petitioners from the land in question bearing 60' x 37' shown in the site plan as 'ABCD' situated at village Zirakpur, Block Ghanaur, Tehsil Rajpura, District Patiala. The said

said order was sought by respondent No.6 and the application was allowed vide order dated 15.05.2017.

Aggrieved against both the orders, the petitioners have filed their statutory appeal under Section 7 (2) of the Act before the Commissioner of the Division. The said appeal is pending for 26.12.2018 for arguments.

In the meantime, Virsa Singh (respondent No.6) had also filed CWP No.22432 of 2018 for the execution of the orders impugned in this petition in which, at the time of issuance of notice of motion on 05.09.2018, the Court had asked for the status report to be filed about the execution of the orders against the unauthorized occupants. Pursuant thereto, the respondents have threatened to dispossess the petitioners from the land in dispute, therefore, they have approached this Court by way of the present petition.

Learned counsel for the petitioner has thus prayed that in case they are dispossessed during the pendency of their appeal, their civil rights would be adversely effected inasmuch it would become difficult for them to recover the possession thereafter. Rather he has suggested that the possession of the petitioners may be protected till the date their appeal is decided by the Appellate Authority which is now fixed for 26.12.2018.

Learned counsel for the respondents have not shown any averseness to the prayer made by the counsel for the petitioners in this regard.

Thus in view thereof, the present petition is disposed of with a direction to the Appellate Authority who is seized of the appeal filed by the petitioner which is fixed on 26.12.2018 to decide the same on that date or if

it is not possible then by adjourning it for a short date, by passing a speaking order. Till then status quo granted by this Court on 07.12.2018 be maintained.

(RAKESH KUMAR JAIN)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

18.12.2018
A.Kaundal

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No