

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

CWP No.3716 of 2018

Date of Decision: 09.03.2018

Avtar Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Agam Jund Mullanpur, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing of impugned orders dated 18.01.2018 and 20.11.2017, whereby, the application moved by the petitioner for interim stay of order dated 20.11.2017 has been dismissed and the appeal is still pending for 15.03.2018.

Learned counsel for the petitioner submits that the application has been decided and dismissed but nothing has been said on merits. Even the Grounds of Appeal have not been taken into consideration. A wrong finding has been recorded regarding removal of encroachment, whereas, the order was passed by this Court on 01.08.2017 in ***CWP No.16854 of 2017*** for removal of encroachment. However, in compliance of said order, the encroachment was to be removed but no steps have been taken so far.

Although the caveat has been filed but the caveator is not a

party in the writ petition. Accordingly, no notice is required to be issued to the Caveator.

Admittedly, the appeal is still pending for 15.03.2018 and in case, any argument is heard and something is stated on merits, the observations made by this Court may affect the Appellate Authority while deciding the main appeal.

Accordingly, the Appellate Authority i.e respondent No.1 is directed to decide the pending appeal on the date fixed i.e 15.03.2018. However, in case, for any sufficient reason, the appeal is not heard on that day then it is directed to be decided within a period of not more than two weeks thereafter.

The petition is disposed of accordingly.

(DAYA CHAUDHARY)
JUDGE

09.03.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No