

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

210

**CWP No.6108-2018
Date of Decision:17.07.2019**

Gurudwara Parbhandhak Committee

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. S.L. Chander Shekhar, Advocate for the petitioner.

Mr. Shreesh Gupta, Sr. DAG, Punjab.

Mr. H.S. Batth, Advocate for respondent No.3.

RAKESH KUMAR JAIN, J. (ORAL)

At the outset, counsel for the respondent has raised an objection about the maintainability of the petition on the ground that since the order has been passed under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short “the Act”), therefore, the petitioner has the remedy to file an appeal to the Commissioner under Section 7 (2) of the Act.

Counsel for the petitioner prays for withdrawal of the petition to avail his remedy to file an appeal but he has made a prayer that till the appeal is filed the order of this Court passed on 13.03.2018 staying the dispossession of the petitioner may be continued. Counsel for the respondent has not raised any objection in this regard. Therefore, the present petition is hereby dismissed as withdrawn with liberty to the petitioner to file appeal under Section 7(2) of the Act, if so advised.

In case the said appeal is filed within three weeks' from the date of passing of this order, the order of stay granted on 13.03.2018 shall continue.

At this stage, it is made clear that the amount of ₹10,00,000/- which was ordered to be deposited at the time of stay shall continue to be deposited in the FDR and shall be subject to the outcome of the appeal which is to be filed by the petitioner.

(RAKESH KUMAR JAIN)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

17.07.2019
Kothiyal

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No