

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

101

DATE OF DECISION: NOVEMBER 15, 2019

- (1) Civil Writ Petition Nos.32816 and 32817 of 2019**
Ram Pal and others Vs. The Commissioner and others
- (2) Civil Writ Petition No.32823 of 2019**
M/s Rajesh Industries Vs. State of Haryana and others

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ashish Aggarwal, Sr.Advocate with
Mr. Gaurav Arora, Advocate,
for the petitioners. (in CWP Nos.32816 and 32817 of 2019)

Mr. B. S. Bedi, Advocate,
for respondent Nos.2 (i) to (iv) and 3 (i) to (iv) in
CWP No.32823 of 2019 and
for respondent Nos.4 (i) to (iv) and 5 (i) to (iv) in
CWP No.32817 of 2019.

Mr. Arun Jain, Sr. Advocate with
Mr. Amit Jain, Advocate,
for the petitioner. (in CWP No.32823 of 2019).

Mr. L.N. Verma, Advocate,
for respondent Nos.4(i) to (viii). (in CWP No.32816 of 2019).

Mr. Ravi Pratap Singh, AAG, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this order, I propose to dispose of three writ petition i.e.
Civil Writ Petition Nos.32816 of 2019, 32817 of 2019 and 32823 of 2019.
For disposal of said writ petitions, the facts are being taken from Civil Writ
Petition No.32816 of 2019.

In these writ petitions, challenge primarily is to the order dated

31.10.2019 (Annexure P-12) passed by the Collector-cum-Deputy Commissioner, Karnal in an appeal preferred by the petitioners against the order dated 08.08.2019 (Annexure P-9) whereby the surplus area has been determined as per the directions issued by this Court in Civil Writ Petition No.14916 of 1993 (Rajinder Singh (since deceased) through L.Rs Vs. State of Haryana and others) and Civil Writ Petition No.10797 of 2009 (Veena Rani and others Vs. State of Haryana and others), Annexure P-8. Challenge is also posed to order dated 07.11.2019 (Annexure P-14) passed by the Commissioner, Karnal Division, Karnal, whereby the revision petition preferred by the petitioners has been dismissed.

What appears in the matter is that in the first appeal, which was preferred by the petitioners, challenging the order of the Prescribed Authority, initially stay was granted by the Collector-cum-Deputy Commissioner, Karnal, vide order dated 18.10.2019 but subsequently on 31.10.2019, the said order was partly modified to the extent that alienation was ordered to be stayed but the possession, which was kept intact by giving a status-quo, was vacated, which was challenged by the petitioners by filing a revision petition, which has been dismissed by the Commissioner referred to above. Petitioners, in these circumstances, approached this Court, wherein notice was issued by this Court and status-quo with regard to possession as it existed on 13.11.2019 was ordered to be maintained.

Counsel for the respondents have put in appearance.

On considering the submissions made by counsel for the parties and keeping in view the peculiar facts and circumstances of the present case, this Court would not like to go into the merits of the case, especially in the light of the fact that the first appeal preferred by the petitioners is

pending consideration before the competent authority and 20.11.2019 is the date which has been fixed by the Appellate Authority for hearing and submission of written arguments etc. The Appellate Authority is, therefore, likely to decide the appeal on the said date. Since it is a first appeal against the order passed by the Prescribed Authority, the continuance of the status quo order with regard to possession is called for, lest there is a situation which may lead to a position where if the Appellate Authority allows the appeal of the petitioners and the possession having been taken from them, the re-delivery of the same would have to be given effect to.

The present petitions are, therefore, disposed of by setting aside the impugned orders dated 31.10.2019 and 07.11.2019, with a hope that the Appellate Authority shall decide the appeal on 20.11.2019, the date already fixed and in case the said authority is unable to do the same for any reason, the appeal be decided within a period of 45 days thereafter.

November 15, 2019
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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