

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

CWP No.22432 of 2018(O&M)

Date of Decision:-23.01.2019

Virsa Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present:- Mr. Rajeshwar Singh, Advocate for the Petitioner.

Mr. Harbir Sandhu, Assistant Advocate General, Punjab.

None for respondent no.4-Gram Panchayat.

Mr. Nakul Sharma, Advocate for private respondents nos.5 & 6
(applicants in **CM No.18996 of 2018**).

JASWANT SINGH, J.(ORAL)

Petitioner being a resident of village Zirakpur, Tehsil Rajpura, District Patiala and claims to be interested person is seeking a Mandamus directing the Panchayat Authorities for implementing the eviction orders dated 03.12.2015 (P-5) passed by Collector, Patiala ordering the eviction of respondents Jasmer Singh and Amrik Singh as also the subsequent order dated 15.5.2017 (P-8) modifying the area from which they are liable to be evicted.

It is claimed that the statutory appeal filed under Section 7(2)

filed by the respondents Jasmer Singh and Amarjit Singh is pending before the Commissioner, wherein no stay has been granted to date.

Upon notice counsel for the respondents including private respondents Jasmer Singh and Amarjit Singh pointed out that the writ petition was filed by his clients bearing CWP No.31093 of 2018 which has been disposed of by a Division Bench of this Court vide order dated 18.12.2018, whereby the Appellate Authority seized of the appeal, filed by the private respondents along with the stay application, has been directed to be decided at the earliest. It has been further directed that till the stay application or the appeal is decided there shall be “status quo regarding possession” to be maintained. Meaning thereby the claimed execution of the orders in the present petition cannot be entertained.

The aforesaid factual position is not disputed by the counsel for the petitioner.

In view of the above developments, the present writ petition is disposed of as infructuous.

Petitioner of course would have his fresh cause of action after decision of stay application or the appeal filed by the respondents.

(JASWANT SINGH)

JUDGE

(ARUN KUMAR TYAGI)

JUDGE

January 23, 2019

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>