

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.119

CWP-6430-2020 (O&M)
Date of decision : 6.3.2020

Pirthi Singh @ Harbans Singh and others

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Gurminder Singh, Sr. Advocate with
Mr. J.S. Gill, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

The petitioners are allegedly in possession of some land for the last 100 years. Vide order dated 11.9.2008, passed by the District Magistrate, the Tehsildar was directed to mutate the land in favour of the Nagar Council. Mutation was entered on 16.9.2008, which was challenged before the Assistant Collector, First Grade. However, he did not take any proceedings and thus, CWP-14006-2009 was filed in this Court. The said writ petition was disposed of vide order dated 9.8.2012 relegating the petitioners to the Court of Assistant Collector, First Grade for a decision of the pending appeal. The appeal was dismissed vide order dated 5.2.2015. Further, appeal was dismissed by learned Collector vide order dated 22.1.2016. Revision dated 15.7.2016 against the order of the Collector is pending, but meanwhile, the Nagar Council has started raising construction upon the land in dispute. Thus, an application dated 4.2.2020 was filed for restraining the Nagar Council from raising any construction during the pendency of the writ petition. However, learned Commissioner has not taken any action upon the stay application, till date.

Notice of motion to respondents No.3 only.

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab accepts notice on behalf of respondent No.3. A copy of the petition be supplied to her during the course of the day.

In view of the nature of the order being passed, there is no necessity to seek written statement.

The petition is disposed of with a direction to respondent No.3 to consider the pending stay application and to pass appropriate order, thereupon, within a period of one week from the date of receipt of certified copy of this order.

A copy of this order be given to learned counsel for the parties under signatures of the Bench Secretary of this Court.

(SUDHIR MITTAL)
JUDGE

6.3.2020
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No