

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

**CWP No.14630 of 2020
Date of Decision: 17.09.2020**

(Heard through Video Conferencing)

**The Basantpura Multipurpose Co-operative Agricultural Service
Society Limited, Basantpura, Rajpura, Patiala**

..... Petitioner

Versus

Joint Development Commissioner, Punjab and others

..... Respondents

**CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Harjot Singh Bedi, Advocate
for the petitioner.

DAYA CHAUDHARY J. (ORAL)

Notice of motion.

On asking of the Court, Ms. Anju Arora, Addl. A.G., Punjab,
accepts notice on behalf of respondents No.1 to 4-State.

The petitioner is aggrieved by the order dated 07.09.2020
passed by the Joint Development Commissioner (Exercising the powers of
Commissioner) Mohali, whereby status quo order passed earlier has been
vacated.

The only argument, raised by learned counsel for the
petitioner is that without issuing notice to the petitioner, status quo order
has been vacated.

On perusal of said order dated 07.09.2020, it reveals that after dismissal of Civil Suit on 10.05.2019, the Gram Panchayat had taken possession of the disputed property from the petitioner and possession thereof, was handed over to the Gram Panchayat, Basantpura vide letter No.479 dated 27.07.2019 with the help of the Police. Thereafter, the petitioner filed an appeal against eviction order dated 04.08.2017. It has also been mentioned that there was misrepresentation as it was stated that the petitioner was doing business on the disputed property whereas the petitioner was not doing any business over the property in dispute as possession was already with Gram Panchayat.

It has not been disputed by learned counsel for the petitioner that possession was not with the petitioner and it was taken on 27.07.2019 before passing of the status quo order dated 02.09.2020.

A finding has also been recorded that the Gram Panchayat has been receiving rent @ Rs.6000/- per month from M/s Hero Motors, Basantpura and that shop in question is in the ownership of the Gram Panchayat. Simply by saying that status quo order has been vacated without giving any opportunity of hearing, is not going to cause any prejudice to petitioner when the petitioner is not in possession of the property in dispute.

In view of the facts and circumstances mentioned above, We do not find any merit in the contention raised by learned counsel for the petitioner. The present petition being devoid of any merit is, therefore, dismissed. However, learned Joint Development Commissioner, Mohali is

directed to make all efforts to decide the appeal on the next date of hearing or preferably within a period of two weeks from the date of receipt of copy of this order.

(DAYA CHAUDHARY)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

September 17, 2020
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No