

## IN THE HIGH COURT OF PUNJAB &amp; HARYANA AT CHANDIGARH

CWP No. 16092 of 2020

Date of Decision: October 01, 2020

Gram Panchayat New Ojhan Wali through its Sarpanch

.....Petitioner

versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**Present: Mr. Ranbir Singh Sekhon, Advocate  
for the petitioner**Sudhir Mittal, J. (Oral)**

The petitioner is a Gram Panchayat village New Ojhan Wali. It has been carved out from an existing Gram Panchayat known as Ojhan Wali and presently there are two Gram Panchayats. The bifurcation order was passed on 09.04.2018 where after the assets were partitioned vide order dated 08.01.2020. Consequently, the petitioner leased out the shamlat land on 29.05.2020. Thereafter, an appeal was filed by Gram Panchayat, Ojha Wali which has been entertained vide order dated 17.09.2020 and order dated 08.01.2020 has been stayed. It is submitted that the stay order has given rise to a situation where breach of peace may take place as respondent No. 3 may attempt to harvest the crops sown by the lessees.

Notice of motion to respondents No. 1 and 2 only.

Ms. Monica Chhibbar Sharma, Sr. DAG Punjab, accepts notice on behalf of respondents No. 1 and 2 and waives service.

In view of nature of the order being passed there is no necessity to file a written statement nor is it necessary to serve respondent No. 3.

The petition is disposed of with a direction to Financial Commissioner, Punjab Government, Village Development and Panchayat

Department to permit the petitioner to file an application for vacation of stay and a reply to the appeal within a period of one week from today. The appeal be decided positively on or before 30.03.2021. Meanwhile, status quo shall be maintained and the lessees will be entitled to reap the crops for the period of lease.

October 01, 2020

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**[SUDHIR MITTAL]**  
**JUDGE**

**Whether speaking/reasoned : Yes/No**

**Whether Reportable : Yes/No**