

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

113

**CR No.2660 of 2020 (O&M)  
Date of Order:17.12.2020**

**State of Punjab and others**

**..Petitioners**

**Versus**

**Balwant Singh (since deceased) through LR  
and others**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Nikhil Chopra, Addl.A.G.,Punjab  
for the petitioners.

**ANIL KSHETARPAL, J(Oral)**

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The State of Punjab has filed a revision petition under Article 227 of the Constitution of India for issuance of appropriate directions to Additional District Judge, fardikot to decide an application filed by it, for stay of operation of judgment and decree dated 24.08.2017 passed by the Additional Civil Judge (Sr. Division), Faridkot in Civil Suit No.498 dated 22.08.2016.

It may be noted here that the plaintiffs filed a suit for possession of 6 Kanal land or in the alternative prayed for the relief of mandatory injunction. The plaintiffs claim that a minor (water channel/canal) has been dug by including 6 Kanal of their land without paying compensation. The civil suit was decreed vide judgment dated 24.08.2017 granting alternative of mandatory injunction. The State was directed to acquire the land and pay compensation to the plaintiffs in accordance with law.

Against the aforesaid judgment an appeal along with an application for stay is stated to have been filed and pending before the first appellate court. In this revision petition, limited grievance is that the application for stay has not been decided.

Keeping in view the facts of the case, the revision petition is disposed of, while granting liberty to the petitioners to file an application before the first appellate court for taking up and deciding the application for grant of interim order. If such an application is filed, the same shall be disposed of within one month of the date of filing. The first appellate court would also consider the possibility of disposal of the appeal itself expeditiously.

**December 17, 2020**  
**nt**

**(ANIL KSHETARPAL)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

: Yes/No  
: Yes/No