

CWP-3660-2021

Date of Decision: 16.2.2021

Shri Guru Hargobind Sahib Ji Patshahi and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI  
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Sangram Singh Saron, Advocate, for the petitioners.

**AJAY TEWARI, J. (ORAL)**

The present petition has been filed against the order dated 10.2.2021, whereby, an application filed by respondent No.4-Gram Panchayat under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the Act'), has been allowed.

Learned counsel for the petitioners has argued that in this case, proceedings under Section 11 of the Act were independently going on and in that case also the first Court had held against the petitioners but an appeal is pending. It is his submission that till the question of title is decided, action cannot be taken under Section 7 of the Act.

In our considered opinion, this point to well be taken up in appeal and nothing bars the Collector under the Act to appreciate such a contention. Consequently, we relegate the petitioners to their remedy of appeal.

Learned counsel for the petitioners further prayed that warrants of possession have been issued.

In these circumstances, we direct that there shall be a status quo regarding possession till the petitioners file a complete appeal. The petitioners are allowed 10 days time to file appeal and once the appeal is filed alongwith an application for stay, the interim order will be continued till the prayer for interim relief is decided by the Appellate Authority in accordance with law.

The petition stands disposed of.

**(AJAY TEWARI)**  
**JUDGE**

**(RAJESH BHARDWAJ)**  
**JUDGE**

**16.2.2021**  
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|---------------------------|---|--------|
| Whether Speaking/Reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |