

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

**CWP-3968-2021 (O&M)
Date of Decision:19.02.2021**

Rajwant Singh

..... Petitioner

versus

**Joint Development Commissioner and
others**

..... Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Deepak Arora, Advocate for the petitioner.

Mr.Suveer Sheokand, Addl.AG, Punjab.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

As per pleadings on record order dated 08.01.2020 was passed by the District Development and Panchayat Officer, Gurdaspur (exercising the powers of collector) directing ejectment of the petitioner from the landed property situated in Khasra No. 43 Min (5-4) Khasra No.44 (17-12) as epr Jamabandi for the year 2012-13 situated in village Salempur Arian H.B.No. 345, Tehsil and District Gurdaspur.

Petitioner preferred an appeal under Section 9 of the Punjab Public Premises and Land (Eviction and Recovery) Act, 1973 against the order of ejectment passed by the District Development and Panchayat

Officer. Copy of the appeal dated 23.12.2020 has been annexed as Annexure P-3 along with the instant petition.

Along with the appeal petitioner also filed an application for staying the operation of the ejectment order dated 08.01.2020. Copy of the application has been appended as Annexure P-4.

Short grievance raised in the instant petition is that the Director, Rural Development and Panchayats, exercising the powers of Commissioner/Appellate Authority, has not been holding Court and thereby causing extreme prejudice to the petitioner herein as the main appeal as also application for stay have not even been taken up for consideration.

Counsel submits that respondent No.3 i.e. Gram Panchayat of village Salempur Arian is taking advantage of such peculiar situation and even warrants of possession have been issued.

Against such backdrop the limited prayer made in the petition is for the appeal as also the application of stay to be taken up for hearing.

An advance copy of the writ petition has been served upon State of Punjab.

Mr.Suveer Sheokand, learned Addl.AG, Punjab, upon instructions from Sudhakar Singh, Law Officer, informs the Court that the earlier Joint Development Commissioner Mr. Sumeet Jaglan is proceeding on training and Ms. Neelima has yet to take over charge.

It is not controverted that the next date of hearing in the appeal filed by the petitioner was otherwise fixed as 24.02.2021.

In view of the peculiar situation arising in the matter, writ petition is disposed of with a direction to the Appellate Authority to conduct

proceedings on 24.02.2021 and to take up for consideration the statutory appeal dated 23.12.2020 (Annexure P-4) and in any case to pass orders on the stay application that has been filed by the petitioner along with the statutory appeal.

As an interim measure operation of the ejectment order dated 08.10.2020 passed by the District Development and Panchayat Officer, Gurdaspur shall be held in abeyance till such time the stay application preferred by the petitioner along with the statutory appeal dated 23.12.2020 is not decided.

Writ petition is disposed of.

It is, however, clarified that this Court has not examined the case on merits and the Appellate Authority would not be influenced on account of the interim direction granted by this Court.

(TEJINDER SINGH DHINDSA)
JUDGE

19.02. 2021
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No