

CWP-5356-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CWP-5356-2021

Date of Decision: 05.03.2021

Nathu & others

...Petitioners

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Vikram Singh, Advocate, for the petitioner.

Mr. Aman Bahri, Addl. A.G., Haryana.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioners have approached this Court with a prayer for issuance of a writ of *mandamus* restraining the respondents from dispossessing them from the land in question during the pendency of the appeal, along with which an application dated 23.02.2021 (Annexure P-2) has been preferred, challenging the *ex parte* order dated 31.12.2020 (Annexure P-1) passed by the Assistant Collector 1st Grade, Barala, directing their eviction.

Learned counsel for the petitioners contends that the *ex parte* order, which has been passed by the learned Assistant Collector 1st Grade, Barala, has been challenged by the petitioners by way of a statutory appeal, which is pending before the Collector, District Ambala – respondent No.2 along with an application for stay. The application for stay is not being decided by the Appellate Authority and has been adjourned to 12.03.2021

and in the meanwhile, the process is being expedited to dispossess the petitioners. This, the counsel contends, would amount to virtually rendering the appeal of the petitioners infructuous.

Learned counsel for the State acknowledges the fact that the appeal has been preferred by the petitioners and is pending for 12.03.2021 along with an application for stay.

That being so, the present writ petition is disposed of with directions to the Collector, District Ambala – respondent No.2 to consider and decide at least the application for stay on 12.03.2021 and if on the said date, for some reasons, the same is not decided, the same shall be decided within a further period of two weeks.

Status quo with regard to possession, as it exists today, shall be maintained till the decision is taken on the application for stay by the Appellate Authority i.e. Collector, District Ambala – respondent No.2.

It is made clear that this Court has not expressed any opinion on the merits of the case and has only proceeded to give a direction in the light of the facts and circumstances of the case as projected and recorded above.

(AUGUSTINE GEORGE MASIH)
JUDGE

05.03.2021
Harish

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No