

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CWP-7006-2021****Date of decision:25.03.2021****Prem Singh @ Prem Chand and others****....Petitioners****V/s.****State of Punjab and others****.....Respondents****CORAM: HON'BLE MS. JUSTICE RITU BAHRI****HON'BLE MRS. JUSTICE ARCHANA PURI****Present: Dr. Naresh Kaushik, Advocate for the petitioners.************Ritu Bahri, J. (Oral).**

The petitioners are seeking writ of certiorari for setting aside order dated 16.12.2020 (Annexure P-1) whereby stay application during the pendency of statutory appeal No. 589 of 2020 under Section 7(2) of Punjab Land Revenue Act 1961 has been dismissed.

The petitioners had filed an appeal against the order of eviction dated 03.01.2020 (Annexure P-2) passed by the Collector (Panchayat Land)-cum DDPO, Patiala-respondent No. 3 with respect to details of land given in the petition.

The petitioners have placed on record copy of the *Jamabandi* for the year 1949-50 establishing possession before 26.01.1950 as Annexure P-9. Keeping in view this *Jamabandi*, vide order dated 30.09.1978 (Annexure P-8) the Additional Director Consolidation under Section 42 of the East Punjab Consolidation of Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, decided the suit in favour of the petitioners and held that land had been wrongly recorded as *shamlat*. There was further partition of this land on 05.12.1988/09.01.1989 which attained finality and thereafter *Sanad Takshim* dated 09.01.1989 was issued in the name of

owners.

Learned counsel for the petitioners contends that in dispute pending before the respondent-authority, the private respondents i.e Jarnail Singh and Karnail Singh are the contesting respondents. He has referred to order dated 19.03.2021 passed by this Court in **CWP-17286-2020** filed by Jarnail Singh and another, whereby pursuant to the order dated 03.01.2020 (Annexure P-2) passed by the Collector, DDPO, Patiala they are seeking execution of warrants of possession. Jarnail Singh and Karnail Singh are the private respondents in the present writ petition. The aforesaid writ petition (CWP-17286-2020) has been disposed of on 19.03.2021 whereby direction has been given to the appellate authority to decide all the appeals which are listed on 28.04.2021 and all the appeals can be decided before 31.05.2021.

In the present case, Ms. Anu Pal, learned counsel for the State is not disputing the order passed by this Court in **CWP-17286-2020**.

Keeping in view the direction given by this Court in **CWP-17286-2020**, this petition, at this stage, is being disposed of by giving direction to the respondents to decide appeal against order dated 03.01.2020 (Annexure P-2) by 28.04.2021 and latest by 31.05.2021 as observed by this Court while disposing of above said writ petition.

In the meantime, status quo with regard to possession be maintained till the final decision of the appeal.

(RITU BAHRI)
JUDGE

25.03.2021
Divyanshi

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No