

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

112

Civil Writ Petition No.18475 of 2021
Date of Decision: September 16th, 2021

Bhupinder Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

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

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

Mr. Raman Sharma, Additional Advocate General, Haryana.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court with a grievance that against the order dated 18.08.2021 (Annexure P-1) passed by the Assistant Collector, Panchkula, petitioner has filed an appeal before the Collector, Panchkula, on 09.09.2021 (Annexure P-2). Along with the said appeal, an application for stay of dispossession has been filed. The said appeal was listed for consideration on 14.09.2021, when the Court was not held and the next date of hearing is fixed as 21.09.2021. In the meanwhile, warrant of possession has been issued by the Block Development and Panchayat Officer, Barwala, on 09.09.2021 for 17.09.2021.

Counsel for the petitioners states that the very purpose, for which the appeal has been preferred along with an application for stay, would be rendered infructuous if the possession is taken by the respondents. He states that the petitioners, at this stage, would be satisfied if a direction is issued to the Appellate Authority i.e. the Collector, Panchkula-respondent No.2 to

consider and decide at least the application on the next date of hearing i.e. 21.09.2021 and till then the dispossession of the petitioners be stayed.

Counsel for the State could not dispute the factual aspects, as have been pointed out by the counsel for the petitioners with regard to the pendency of the appeal along with an application for stay and the next date of hearing being 21.09.2021.

In the light of the above, we do not want to go into the merit of the case and dispose of the present writ petition with a direction to the Appellate Authority i.e. the Collector, Panchkula-respondent No.2 to consider and decide at least the stay application of the petitioners, which has been submitted along with the appeal, on the date already fixed i.e. 21.09.2021 and till then, *status quo* with regard to possession be maintained.

It is made clear that in case on the said date, the Appellate Authority is not able to decide the said application because of any reason, the status quo with regard to possession, as ordered by this Court, shall continue till a decision is taken on the application for stay by the Appellate Authority.

It is further made clear that in case the counsel for the appellants does not come present on the date of hearing of the appeal, it would be open to the Appellate Authority to decide the application *ex parte*.

(AUGUSTINE GEORGE MASIH)
JUDGE

September 16th, 2021
Puneet

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No