

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

**CWP-844-2022 (O&M)
Date of decision: 21.01.2022**

(PROCEEDINGS THROUGH V.C.)

Daler Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Babbar Bhan, Advocate and Mr. J.S. Rana, Advocate
for the petitioner.

Mr. S.P.S. Tinna, Addl. A.G., Punjab.

AUGUSTINE GEORGE MASIH, J.(ORAL)

Petitioner has approached this Court with a grievance that despite an appeal having been preferred by the petitioner against the order dated 11.05.2021, passed by the learned District Development and Panchayat Officer, Patiala exercising the powers of a Collector (Annexure P-2), the appeal is not being heard by the Joint Development Commissioner, Panchayati Raj. He asserts that along with the appeal, the application for Stay has also been filed. For one reason or the other, the appeal is being adjourned without being heard.

The respondents in the meanwhile, have proceeded to demolish the *pakka* construction which has been made by the petitioner. He asserts that this act has been done without any demarcation having been carried out.

Although the notice for demarcation was issued by the respondents for this purpose. His assertion is that the appeal of the petitioner having availed of his statutory rights has been deprived of hearing and without deciding the said appeal or the application for stay, the possession of the land has been taken.

Learned counsel for the State on instructions from Mr. Sunil Khosla, Law Officer, informs the Court that the next date of hearing in the appeal is 23.03.2022 before the Joint Development Commissioner, Punjab.

Without commenting on the merits of the case, we dispose of the present writ petition with directions to the Joint Divisional Commissioner-respondent No.2, to consider and decide the appeal of the petitioner on the date already fixed i.e. 23.03.2022 and, if the decision on the appeal is not possible on the said date, at least decide the application for stay, which has been preferred by the petitioner.

(AUGUSTINE GEORGE MASIH)
JUDGE

January 21st, 2022
ps-I

(SANDEEP MOUDGIL)
JUDGE

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