

Sr.No.119

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

CWP-7084 of 2022

Date of decision:05.04.2022

Nahar Singh and others

... Petitioners

versus

The Joint Development Commissioner, Punjab and others

... Respondent(s)

Coram: Hon'ble Mr. Justice Augustine George Masih

Hon'ble Mr. Justice Sandeep Moudgil

**Present: Mr. Kulbir Singh Saini, Advocate
for the petitioners.**

Augustine George Masih, J.(Oral)

Learned counsel for the petitioners challenging the order dated 08.01.2021 (Annexure P-3) passed by Assistant Collector Ist Grade whereby eviction of the petitioners had been ordered and appeal preferred by the petitioners is pending before the Joint Development Commissioner, Punjab exercising the powers of Commission under the Punjab Village Common Lands (Regulation) Act, 1961.

Since March 2021, appeal is pending and along with it an application for stay was also filed, which application till the date has not been decided. On 23.03.2022 when the case was earlier listed, because of it being declared as holiday, the application in the case and the appeal has been now adjourned to 25.05.2022.

He prays that direction may be issued to the Appellate Authority to consider and decide atleast the application for stay on 25.05.2022.

Notice of motion.

On asking of the Court, Mr. S.P.S.Tinna, Additional Advocate General, Punjab accepts notice on behalf of the State.

Present petition is disposed of with a direction to the Joint Development Commissioner, Punjab – respondent No.1 to consider and decide at least the application for stay which has been preferred by the petitioners along with the appeal challenging the order dated 08.01.2021 passed by the Collector, the date already fixed in the appeal along with the application i.e. on 25.05.2022 and if for any reason the same can not be so done, the said application be decided within a period of one week thereafter.

[AUGUSTINE GEORGE MASIH]
JUDGE

5th April, 2022

[SANDEEP MOUDGIL]

Shivani Kaushik

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No