

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 9045 of 2019(O&M)

Date of Decision:23.11.2022

Achariya Swami Gauri Shankar Dass

.....Petitioner

Versus

Gram Panchayat Village Phalauli and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Pankaj Bains, Advocate
for Mr. Ritesh Aggarwal, Advocate
for the petitioner.

Mr. Prashant Bansal, Advocate
for respondent no.1.

Mr. K.S.Kang, Sr. DAG., Punjab.

LISA GILL, J(Oral).

Prayer in this writ petition is for setting aside order dated 29.08.2017, Annexure P-1, passed by the Collector, Panchayat Land District Development Panchayat Officer, Patiala, whereby ejectment of petitioner under Section 7 of the Punjab Village Common Lands (Regulation) Act (for short 'the Act'), has been allowed; besides order dated 12.09.2018, Annexure P-2, passed by the Director, Rural Development and Panchayat Department (Exercising the powers of Commissioner), Punjab, whereby appeal filed by the petitioner has been dismissed.

Mr. Pankaj Bains, Advocate, for Mr. Ritesh Aggarwal, Advocate, appears on behalf of the petitioner. Power of attorney filed on behalf of the petitioner in Court today is taken on record subject to just

exceptions.

It is prayed that ejectment of the petitioner has been wrongly ordered specifically keeping in view the fact that petition under Section 11 of the Act filed by the petitioner was still pending. It is stated in the writ petition that eviction proceedings should have been kept in abeyance till the question of title is finally decided in the pending petition under Section 11 of the Act.

It is brought to our notice that petition under Section 11 of the Act filed by the petitioner has been dismissed on 06.09.2021 and that appeal challenging the same, has been filed by the petitioner on 18.11.2022.

Keeping in view the facts and circumstances as above, but without expression of any opinion on the merits of the case, this writ petition is disposed of with a direction to the competent authority to decide the appeal filed by the petitioner challenging order dated 06.09.2021 in accordance with law, expeditiously and definitely within a period of three months from the date now fixed before it, after affording due opportunity of hearing to all concerned.

Till then, *status quo* regarding possession be maintained by the parties. Needless to say necessary action would be taken by the authorities thereafter in consonance with the decision in the appeal.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

November 23, 2022.

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.