

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

**CWP-13238-2022
DECIDED ON: 4th JULY, 2022**

SURINDER SINGH AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

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

Present: Mr. Harsh Bungar, Advocate with
Mr. Paritosh Vaid, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The present writ petition is primarily with the grievance that in the appeal which has been preferred by the petitioners, the Appellate Authority i.e. Joint Development Commissioner (IRD) exercising the powers of the Commissioner, has proceeded to protect the possession of the petitioners to the extent of constructed area, whereas nothing has been said with the regard to the land where there is no construction, which is the subject matter of the appeal.

Counsel for the petitioners contends that the said appeal has now been listed for consideration on 20th July, 2022. The aspect with regard to the land where there is no construction has not been dealt with by the Appellate Authority.

Notice of motion.

On the asking of Court, Mr. S.P.S. Tinna, Additional Advocate

General, Punjab, accepts notice on behalf of respondents No.1 to 4.

Having considered the submissions made by the counsel for the petitioners and keeping in view the impugned order dated 18th May, 2022 (Annexure P-5) passed by the Appellate Authority, we dispose of the present petition by observing that the *status-quo* with regard to the constructed area as well as the area where there is no construction, which is the subject matter of the appeal, shall be maintained till 20th July, 2022 when the appeal is stated to be listed before the Appellate Authority.

On the said date endeavour would be made by the Appellate Authority to finally decide the application for stay with the regard to the land where there is no construction as well as the constructed area. Till the decision is taken on the application, this interim arrangement shall continue.

(AUGUSTINE GEORGE MASIH)
JUDGE

(SANDEEP MOUDGIL)
JUDGE

4th JULY, 2022
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>