

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

**CWP-12879-2022
DECIDED ON: 02.06.2022**

GURPREET SINGH AND ORS

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

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

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

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

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court with the prayer that their appeal along with an application for stay is pending with the appellate authority i.e. Director Consolidation, Punjab for 06.07.2022. He contends that despite the said appeal along with the application for stay pending with the appellate authority and no hearing having taken place thereon, the respondents have proceeded to issue warrants of possession. Reference in this regard has been made to the communication dated 21.04.2022 (Annexure P-2). That apart auctioning of the land has also been ordered vide communication dated 17.05.2022 (Annexure P-3) despite knowing well that the possession is with the petitioners and the appeal along with the stay application is pending. He, therefore, contends that a direction may be issued to the appellate authority to consider and decide, atleast the application for

stay, on the next date of hearing i.e. 06.07.2022 and till then, possession of the petitioners be kept intact.

Counsel for the State was called upon to seek instructions, as to whether the assertions that has been made by the counsel for the petitioners with regard to the filing of the appeal along with an application for stay, is indeed pending with the appellate authority, to which counsel has informed on instructions from Onkar Singh, Panchayat Officer that the same is pending for the date, as indicated by the counsel for the petitioners.

In the light of the above, the present petition is disposed of with a direction to the appellate authority i.e. Respondent No.2-Director Consolidation, Punjab, to consider and decide atleast the application for stay on 06.07.2022 i.e. the date fixed before the said authority. In case, he is unable to decide the same on the said date, efforts be made to decide the same within a further period of ten days.

Status quo with regard to possession qua the petitioners be maintained, till a decision is taken by the appellate authority on the application for stay.

(AUGUSTINE GEORGE MASIH)
JUDGE

(SANDEEP MOUDGIL)
JUDGE

02.06.2022

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>