

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 13695 of 2022 (O&M)

Date of Decision:30.08.2022

Gurdwara Sehaj Parkash and others

.....Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. G.S.Sirphikhi, Advocate
for the petitioners.

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

Mr. M.S.Jolly, Advocate
for respondent no.4.

LISA GILL, J(Oral).

Petitioners are aggrieved of order dated 10.06.2022, Annexure P-8, passed by respondent no.2-Director, Department of Panchayat and Rural Development (Exercising the powers of Commissioner), Vikas Bhawan, Sector-62, SAS Nagar, whereby application filed by the petitioners seeking interim relief pending their appeal has been dismissed.

Learned counsel for the petitioners submits that application under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 read with Rule 20-A of Punjab Village Common Lands (Regulation) Rules, 1964 for eviction of the petitioners in this writ petition from land mentioned in the head note of the said application, was allowed by the

District Development and Panchayat Officer (Exercising the Powers of Collector), on 02.05.2022. Petitioners filed an appeal challenging the said order and an application seeking stay of operation/ implementation/ execution of order dated 02.05.2022 was also filed alongwith. Respondent no.2, vide order dated 27.05.2022, issued notice in the petitioners' appeal for 10.06.2022 and directed status *quo* to be maintained till the next date of hearing. However, petitioners' application for stay was wrongly dismissed on 10.06.2022 while accepting submissions made on behalf of respondent no.4 that petitioners had raised construction on the land in dispute. It is submitted that during pendency of this writ petition and pursuant to orders dated 18.07.2022 and 25.07.2022, objectionable construction, if any, has been completely removed from the spot and that petitioners undertake that no construction of any kind shall be raised neither nature of the land changed during the pendency of the appeal, but the interim order should be restored. Factum of removal of objectionable construction is affirmed by learned counsel for respondent no.4. However, he states that the appeal itself, filed by the petitioners is not maintainable.

Be that as it may, we do not deem it appropriate to venture and dwell upon the question of maintainability of the appeal, which is admittedly pending before the Director, Department of Panchayat and Rural Development (Exercising the Powers of Commissioner), Vikas Bhawan, Sector-62, SAS Nagar, who shall necessarily look into the matter and consider the same in accordance with law after affording due opportunity to all concerned/ affected persons.

In the given circumstances, without any expression of opinion on the merits of the matter, it is directed that appellate authority should decide the appeal filed by the petitioners in accordance with law,

expeditiously and definitely within a period of three (03) months from receipt of certified copy of this order.

In the meanwhile, no construction whatsoever would be raised by the petitioners neither nature of the land be changed.

Writ petition is accordingly disposed of.

(LISA GILL)
JUDGE

August 30, 2022.
s.khan

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.