

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

1. CWP No. 13826 of 2022

Lachhman Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

2. CWP No. 13831 of 2022

Bhupinder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

3. CWP No. 13858 of 2022

Pavitar Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

Date of decision: 30.06.2022

**CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN
HON'BLE MR. JUSTICE VIKAS SURI**

**Present:- Mr. Vikram Singh, Advocate
for the petitioner(s).**

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted three writ
petitions as they are similar in nature.

Prayer in these writ petitions is for issuance of a writ of

Mandamus restraining the respondents from dispossessing the petitioners from the land in question during the pendency of the stay application dated 21.06.2022 (Annexure P-7) during the pendency of the appeal.

Learned counsel for the petitioners restricts his arguments to the extent that a direction may be issued to appellate authority-respondent No. 2/Joint Development Commissioner, Punjab to decide the stay application(s) afresh with regard to entire land.

Learned counsel further submits that under a *bona fide* mistake, the earlier counsel made a statement that he was making prayer only with regard to constructed portion of the land in dispute and the said relief was granted and thereafter, the petitioners filed CWP No. 12086 of 2022 seeking modification of the order dated 13.05.2022 passed by respondent No. 2 Joint Development Commissioner, Punjab, which was dismissed on 30.05.2022 noticing the fact that since the counsel himself had insisted for grant of stay with regard to the constructed area only, no interfere/modification can be done.

Learned counsel further submits that now fresh application(s) in view of the facts and circumstances has been filed seeking stay on the entire land on the ground that the petitioners are entitled to it and it is further submitted that since it is a first appeal, the appellate authority is bound to pass an order on merits with regard to agricultural land.

After hearing learned counsel for the petitioners, in order to avoid any further delay in disposal of the appeal, we deem it appropriate to dispose of the present writ petitions with a direction to respondent No. 2/Joint Development Commissioner, Punjab to decide the stay application(s) afresh expeditiously, preferably within a period of 15 days on

receiving a certified copy of this order.

Till the time the stay application(s) is decided by respondent No. 2/appellate authority, the *status quo* shall be maintained.

A photocopy of this order be placed on the file of other connected cases.

(ARVIND SINGH SANGWAN)
JUDGE

30.06.2022

Waseem Ansari

(VIKAS SURI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No