

220-a **IN THE HIGH COURT OF PUNJAB AND HARYANA**
 AT CHANDIGARH

CWP-15719-2022

Date of Decision: October 31, 2022

RAJINDER SINGH AND OTHERS

..... Petitioners

Versus

**DIRECTOR RURAL DEVELOPMENT PANCHAYAT PUNJAB AND
OTHERS** Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. Rohit Sapehiya, Advocate for the petitioners.

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

Mr. R.S. Chauhan, Advocate respondent No. 3.

LISA GILL, J.

Petitioners, in this case, are aggrieved of vacation of interim stay granted to them by the Collector, Hoshiarpur on 11.06.2019 vide impugned order dated 06.11.2019 passed by the said authority itself. It is submitted that in the petition under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short – ‘PVCL Act’) filed by the petitioners, interim stay was granted on 11.06.2019 by the Additional Deputy Commissioner (Development)-cum-Collector, Hoshiarpur while exercising the powers of the Collector, after taking into consideration the facts and circumstances and with reference to the facts of the case. This order was, however, vacated on 06.11.2019 by passing a cryptic and totally

non-speaking order. No reason for vacation of interim relief is forthcoming in this order.

Notice of motion in the present writ petition was issued on 22.07.2022 and status quo regarding possession was directed to be maintained.

Admittedly, interim relief was afforded to the petitioners vide order dated 11.06.2019, which is a detailed order. This interim relief has been vacated on 06.11.2019 by passing the following order:-

“ After hearing the petitioner through his counsel regarding the application under Order 39 Rule 1 and 2 read with Section 151 CPC, stay was granted on 11.06.2019 till the next date of hearing and next date for appearance fixed for 02.07.2019. The counsel for the respondent submitted his reply and documents in his favour regarding the application under Order 39 Rule 1 and 2 read with Section 151 CPC. On 06.11.2019 after hearing the arguments of counsel for the petitioner and counsel for the respondent regarding the stay application and after perusal of the submitted documents, the stay orders passed on 11.06.2019 are ordered to be vacated today on 06.11.2019.”

Learned counsel for respondent No. 3 cannot dispute that there is indeed no reason which is recorded in order dated 06.11.2019, which called for vacation of interim relief.

Learned counsel for the parties submit that the matter is now pending before the Collector for 14.11.2022 for recording of evidence of the respondent – Gram Panchayat. Learned counsel for respondent No. 3

submits that evidence on behalf of the Gram Panchayat shall be concluded if three opportunities are afforded and no further time shall be sought.

Keeping in view the facts and circumstances as above, this writ petition is disposed of with the direction that petition under Section 11 of the PVCL Act filed by the petitioners be finally decided by the Additional Deputy Commissioner (Development)-cum-Collector, Hoshiarpur exercising the powers of the Collector within a period of three months from 14.11.2022, after affording proper opportunity to all concerned/affected parties in accordance with law. Till then, status quo with regard to possession be maintained.

It is clarified that there is no expression of opinion on the merits of the case.

(LISA GILL)
JUDGE

October 31, 2022

Rts

(HARSH BUNGER)
JUDGE

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