

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CWP-16179-2022

Date of Decision: July 27, 2022

SURINDER SINGH

...PETITIONER

Versus

GRAM PANCHAYAT VILLAGE KHERI JATTAN AND OTHERS

...RESPONDENTS

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

**Present: Ms. Arti Kaur, Advocate,
for the petitioner.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court with a grievance that against the order of eviction passed by the Collector (Panchayat Lands), SAS Nagar-respondent No. 3 dated 05.04.2022 (Annexure P-1), an appeal has been preferred which is pending before the Joint Development Commissioner (exercising the powers of appellate jurisdiction under Punjab Village Panchayati Raj (Regulation) Act, 1961) along with an application for stay.

Because of the non-holding of the Court by the appellate authority, the appeal as also the application for stay has not been taken for consideration. Earlier the matter was fixed on 19.07.2022 but now, it has been adjourned for 23.08.2022. In the meanwhile, warrants of possession have been obtained by the Gram Panchayat, Kheri Jattan, Tehsil Dear Bassi, District SAS Nagar-respondent No. 1 from the Collector, Panchayat Lands, SAS Nagar, Mohali-respondent No. 3 on 15.07.2022. Copy of the said

warrants is appended as Annexure P-4.

Counsel for the petitioner contends that in case of possession being taken by the Gram Panchayat, the very purpose for filing the appeal would be rendered infructuous and that too, without any hearing by the appellate authority.

Notice of motion.

On the asking of the Court, Ms. Monica Chhibber Sharma, Sr. DAG, Punjab, accepts notice on behalf of the State and submits that she has not seen the file.

Counsel for the petitioner undertakes to supply three copies of the paper-book along with annexures to the counsel for the State during the course of the day.

Keeping in view the facts and circumstances of the present case we dispose of the present writ petition with an observation that the status quo with regard to possession shall be maintained, as it exists today, till a decision is taken by the appellate authority on the application for stay which has been filed along with the appeal.

(AUGUSTINE GEORGE MASIH)
JUDGE

(SANDEEP MOUDGIL)
JUDGE

July 27, 2022

pj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No