

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CWP-16106-2022

Date of Decision: July 27, 2022

**BHAJAN SINGH (SINCE DECEASED) SON OF SANJHA SINGH
THROUGH HIS LEGAL HEIR**

...PETITIONER

Versus

JOINT DEVELOPMENT COMMISSIONER AND OTHERS

...RESPONDENTS

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

**Present: Mr. Sherry K. Singla, Advocate,
for the petitioner.**

**Ms. Monica Chhibber Sharma, Sr. DAG, Punjab,
for the State.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has again approached this Court after passing of the order by this Court in CWP No. 9254 of 2022 dated 05.05.2022 (Annexure P-7), where the petitioner had approached this Court with the same grievance, as has been projected in the present writ petition.

At that stage, the initial interim order granted by the appellate authority i.e. the Joint Development Commissioner had not been extended because of non-holding of the Court leading to the situation where the possession was sought to be taken. On a direction issued by this Court, the competent authority decided the application of the petitioner for extension of the interim order which resulted in passing of the order dated 04.05.2022 (Annexure P-6) extending the said interim order.

Subsequently, again because of the Court being not held, the interim order could not be extended and the case is now fixed for

17.08.2022. The appeal as well as the application for stay are listed for the said date. Records of the case and the Gram Panchayat are being summoned for the said date. Since the stay order passed by the Court has not been extended because of non-holding of the Court, the Gram Panchayat taking benefit of the same, has proceeded to obtain warrants of possession dated 18.07.2022 (Annexure P-8).

It is asserted that in pursuance thereto, now the Gram Panchayat is pressing hard for taking the possession of the land.

Counsel for the State has informed the Court that the additional charge of Joint Development Commissioner has now been given to an officer, namely, Sh. Vinay Bablani, IAS, and the matter, if not taken up on the date already fixed i.e. 17.08.2022, the same will be entertained by the above-referred to officer, who has been given the additional charge.

In the light of the above, we dispose of the present writ petition with an observation that the status quo, with regard to possession as it exists today, shall be maintained till the next date of hearing before the appellate authority i.e. 17.08.2022 and the same shall automatically stand extended till a decision is taken on the application for stay by the appellate authority,

(AUGUSTINE GEORGE MASHI)
JUDGE

(SANDEEP MOUDGIL)
JUDGE

July 27, 2022
pj

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No