

CWP-17712-2022

Date of Decision: August 18, 2022

JOGINDER SINGH

..... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

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

Present: Mr. Sanjeev Roy, Advocate for the petitioner.
Mr. Pankaj Gupta, Addl.AG, Punjab.
Mr. V.K. Sandhir, Advocate for respondent No. 5.

LISA GILL, J.

Prayer in this writ petition is for direction to the respondents not to dispossess the petitioner from the suit land till decision of appeal filed under Section 7(2) of the Punjab Village Common Land (Regulation) Act, 1961 and stay warrants of possession dated 22.07.2022 (Annexure P7) during the pendency of appeal.

Following order was passed on the last date of hearing:-

“ Petitioner has approached this Court with a grievance that an appeal has been preferred against the order dated 31.05.2022 (Annexure P5) passed by the District Development and Panchayat Officer-cum-Collector, Panchayat Lands, Shaheed Bhagat Singh Nagar-respondent No. 3 on 22.06.2022 (Annexure P-6).

The said appeal came up for hearing before the said authority on 08.07.2022 when the record of the case was called for and matter was adjourned for 05.08.2022. On 02.08.2022, petitioner received notice dated 27.07.2022 regarding warrants of possession. Counsel requested that the Director, Rural Development and Panchayat Department-respondent No. 2 to at least consider and decide the application for stay but there has been no order passed on the application. He contends that in case the appeal and at least the application for stay is not decided and the possession is taken, the statutory remedy of appeal would be rendered infructuous without he being able to avail of the said remedy. Prayer has, thus, been made that the possession of the petitioner may be protected at least, till the date when the application for stay is decided by the Appellate Authority.

Counsel for the State to seek instructions with regard to the assertions, as have been submitted above, as the next date of hearing before the Appellate Authority is 26.08.2022.

List on 18.08.2022.

Status quo with regard to possession, as it exists today, shall be maintained till the next date of hearing.”

Today, Mr. Sandhir appears on behalf of respondent No. 5 and submits that in any case warrants of possession have not been executed. He further submits that argument on behalf of respondent No. 5 would definitely be addressed before the learned Appellate Authority on 26.08.2022.

Learned counsel for the petitioner also submits that arguments on behalf of the petitioner would be concluded on 26.08.2022.

Learned counsel for the State, on instructions from Sh. Sukhdev Singh, Reader, office of Director, Rural Development and Panchayat, Punjab,

submits that the appeal and in any case application for stay would be decided on the date fixed i.e. 26.08.2022 or within the next two weeks. Learned counsel for respondent No. 5 submits that warrants of possession would not be executed till then.

In this view of the matter, present writ petition is rendered infructuous and is disposed of accordingly.

In case of decision adverse to the petitioner, warrants of possession be not executed for one week after the decision of learned Appellate Authority.

(LISA GILL)
JUDGE

August 18, 2022

Rts

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No