

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

**CM-14156-CWP-2022 in/and
CWP No.20564 of 2022 (O&M)
Date of Decision: 09.09.2022**

KESAR SINGH AND OTHERS
Versus

..... Applicant/Petitioner(s)

STATE OF PUNJAB AND OTHERS

..... Respondent(s)

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

Present: Mr. K.S. Boparai, Advocate
for the petitioners.

Mr. Sandeep Jain, Additional A.G. Punjab.

LISA GILL, J.

CM-14156-CWP-2022

For the reasons mentioned in the application as well as arguments addressed, leave to file this writ petition without registration as Advocate on Role, is granted, subject to just exceptions.

Application is accordingly disposed of.

CWP No.20564 of 2022

Petitioners are aggrieved of order dated 01.09.2022 (Annexure P-11), passed by the Joint Development Commissioner, Rural Development and Panchayat Department, Punjab, whereby their application for stay accompanying the appeal challenging ejectment order dated 21.06.2022 (Annexure P-4) has been dismissed.

Learned counsel for the petitioners submits that land in question is of Shamlat Patti and petitioners are entitled to retain possession thereof. Ejectment order dated 21.06.2022 (Annexure P-4) has been incorrectly passed. Appeal has been preferred challenging the said order by all the

petitioners. As no decision was being taken, CWP No.14841 of 2022 was filed by the petitioners, which was disposed of on 14.07.2022 (Annexure P-9) wherein the Joint Development Commissioner, Rural Development and Panchayat Department, Punjab was directed to decide at least the application for stay, if not the appeal, within a period of four weeks and till then status quo regarding possession as it existed on that day, was directed to be maintained. Learned counsel for the petitioners further submits that application for stay has been dismissed by the Joint Development Commissioner, Rural Development and Panchayat, Punjab vide impugned order dated 01.09.2022 by passing a totally non-speaking order, reflecting non application of mind. It is submitted that the impugned order without any discussion or deliberation simply states that there is no weight in the arguments led on behalf of the appellants. Learned counsel further submits that in case possession of over about 40 years of the petitioners is disturbed in this manner, appeal filed by petitioners would be rendered illusory and infructuous. Learned counsel for the petitioners also refers to CWP No.21485 of 2015 and CWP Nos.26754 and 26827 of 2014, which are stated to have been filed by petitioner no.17 - Amrik Singh and predecessor in interest of petitioners no.19 to 23 in respect to title of the property.

Notice of motion.

Mr. Sandeep Jain, Additional A.G. Punjab, accepts notice on behalf of respondents no.1 to 4. Mr. Gurbinder Singh, who claims to be Sarpanch of Gram Panchayat Village Issru, Tehsil Khanna, District Ludhiana, appears on behalf of respondent no.5. He has furnished his identity card issued by the Department of Rural Development and Panchayat, a photocopy of which is taken on record, subject to just exception.

Keeping in view the nature of order, which is being passed, it is not necessary to call for reply on behalf of the respondents especially in order to obviate any further delay in the matter. Appeal filed by the petitioners challenging ejectment order dated 21.06.2022 is admittedly pending. Possession of the petitioners as on today is not in dispute.

Keeping in view the facts and circumstances as above, this writ petition is disposed of without any expression of opinion on the merits of the matter, by directing the Joint Development Commissioner, Rural Development and Panchayat Department, Punjab to decide the appeal filed by the petitioners expeditiously and definitely within a period of two months from the next date of hearing before him/her

Till then status quo regarding possession of property in question in the present writ petition only, as on today, be maintained.

(LISA GILL)
JUDGE

09.09.2022
Sunil

(HARSH BUNGER)
JUDGE

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