

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

CWP-25075-2021

Date of decision : 17.02.2022

Dilbag Singh

.....Petitioner

Versus

State of Punjab and others

....Respondents

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

Present: Ms. Kushaldeep Kaur, Advocate for
Mr. Ankur Mittal, Advocate
for the petitioner.

Ms. Monica Chhibber Sharma, Sr. D.A.G., Punjab.

Mr. A.P. Kaushal, Advocate
for respondent No.4.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Reply on behalf of respondent No.4/Gram Panchayat, has been
filed in Court and same is taken on record.

On 10.12.2021, following order was passed:-

'Petitioner has approached this Court by challenging the order dated 17.11.2021 passed by the Commissioner (JDC) vacating the order of stay passed by the said Court on 01.11.2021. It has been stated that as per the order dated 01.11.2021, the date fixed for hearing was 15.12.2021 and without any notice to the petitioner, the subsequent order dated 17.11.2021 has been passed ex parte.

Let the counsel for the State seek instructions from the official respondents with regard to the assertion of the petitioner.

List on 21.12.2021.

In the meanwhile, status quo with regard to possession, as it exists today, shall be maintained till the next date of hearing.'

Learned counsel for the parties acknowledge the fact that the order which is impugned in the present writ petition has been passed without issuing notice to the petitioner and therefore, there was no question of the petitioner being present at the time of hearing.

In the light of the above, when the factual position as recorded in the order dated 10.12.2021, has been found to be correct, we dispose of the present writ petition directing the Commissioner to consider the prayer of stay of the petitioner and pass an appropriate order upon hearing the parties.

Till then *status quo* order passed by this Court on 10.12.2021, shall enure.

(AUGUSTINE GEORGE MASIH)
JUDGE

February 17th, 2022

ps-I

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No