

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

CWP-25386-2022

Date of Decision: 23.11.2022

HARBILAS SINGH

..... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Nakul Sharma, Advocate
for the petitioner.

Mr. Sandeep Jain, Additional A.G. Punjab
for respondents no.1 to 4.

Mr. Gurmanpreet Singh, Advocate
for respondent no.5.

Mr. Sandeep Kumar, Advocate
for respondent no.10.

LISA GILL, J.

Prayer in this writ petition is for quashing of order dated 19.10.2022 (Annexure P-11), passed by respondent no.2 – Joint Development Commissioner, Punjab wherein interim relief granted to the petitioner on 08.09.2022 (Annexure P-9), has been vacated.

Learned counsel for the petitioner submits that petition under Section 10-A of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as the '1961 Act') filed by respondents no. 6 to 12 was allowed by the District Development and Panchayat Officer-cum-Collector (Panchayat Land), Patiala. Aggrieved therefrom petitioner filed the statutory appeal under Section 10-A(7) of the 1961 Act and application

seeking interim relief was also filed by the petitioner. Respondent no.2-Joint Development Commissioner, Punjab, vide order dated 08.09.2022 directed status quo regarding the land in dispute to be maintained till the next date of hearing i.e. 12.10.2022. It is submitted that the matter was not taken up on 12.10.2022 and the petitioner moved an application for extension of the interim direction, however, respondent no.2, vide order dated 19.10.2022 denied extension of the interim order and directed status quo granted to be vacated. It is submitted that impugned order dated 19.10.2022 is totally non-speaking and without reference to any reason whatsoever.

Impugned order dated 19.10.2022, passed by the Joint Development Commissioner, Punjab, reads as under:-

“Counsel for appellant came present and made prayer to extend the already granted status quo dated 12.10.2022. As the counsel for respondent was present at the spot, therefore, both the parties were heard. By denying the prayer of extension of status quo made by counsel for appellant, status quo is vacated regarding land in dispute. Case be fixed for hearing for 02.11.2022.”

Learned counsel for the respondents are unable to deny that the impugned order dated 19.10.2022, denying extension of the interim relief granted on 08.09.2022, is indeed non-speaking, without advertence to any reason or ground, which necessitated vacation of the earlier order. No such ground is put forth before us as well. It is informed that the matter is now listed before the Joint Development Commissioner, Punjab on 28.12.2022 for arguments.

Learned counsel for the petitioner submits that Joint Development Commissioner, Punjab may be directed to decide the matter on the next date of hearing and no adjournment whatsoever will be sought by the petitioner for any reason and arguments would be addressed on the said date.

Keeping in view the facts and circumstances as above, but without any expression of opinion on the merits of the controversy, this writ petition is disposed of with a direction to respondent no.2-the Joint Development Commissioner, Punjab, to finally conclude the matter on 28.12.2022, in accordance with law, after giving proper opportunity of hearing to all concerned. In case, for any reason whatsoever, it is impossible to conclude the matter on 28.12.2022, same be positively concluded within the next three weeks thereof.

Writ petition is accordingly disposed of in the aforesaid terms.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

23.11.2022

Sunil

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