

103+201 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM-19548-CWP-2022 in/and
CWP-26081-2022 (O&M)
Date of Decision:** December 21, 2022

NARINDER SINGH Petitioner

Versus

STATE OF PUNJAB AND OTHERS Respondents

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

Present: Mr. Parminder Singh Kanwar, Advocate for the petitioner.

Mr. Sandeep Jain, Addl.AG, Punjab.

Mr. Baljinder Singh Khaira (Ichhewal), Advocate
for applicant/respondent No. 4.

LISA GILL, J.

Prayer in this writ petition is for setting aside order dated 14.10.2022 (Annexure P7) passed by respondent No. 2 whereby order dated 16.09.2022 directing status quo to be maintained, is stated to have been vacated without affording any opportunity to the petitioner.

Notice of motion was issued in this writ petition while noting the contentions on behalf of the petitioner as under:-

“ Learned counsel for the petitioner contends that after passing of order dated 11.04.2022 by District Development and Panchayat Officer-cum-Collector, Hoshiarpur, appeal challenging the same was filed wherein it was directed by Director, Department of Rural Development and Panchayat,

Punjab (exercising the powers of Commissioner), vide order dated 16.09.2022, that status quo be maintained till further orders. When the matter was listed for appearance on 14.10.2022, some photographs, copy of which has not been supplied to the petitioner, were presented before Director, Department of Rural Development and Panchayat, Punjab (exercising the powers of Commissioner) and stay application was dismissed without even affording proper opportunity of hearing to the petitioner on the assertion that construction was being raised by the petitioner. Learned counsel for the petitioner vehemently asserts that no construction has been raised by the petitioner and his only prayer is for safeguarding of *Safeda* trees, which may not be cut down by the Gram Panchayat till the decision of his appeal.”

Felling of the trees in question was stayed till the next date of hearing.

Learned counsel for respondent No. 4 – Gram Panchayat submits that application for vacation of stay was filed alongwith an extra copy before the Director, Department of Rural Development and Panchayat, Punjab and that impugned order dated 14.10.2022 has been correctly passed. However, it is not denied that said application was not accompanied by any photographs. Learned counsel for respondent No. 4 submits the photographs were in fact shown to the Director at the time of arguments. Learned counsel while submitting that there is no serious objection regarding not felling the trees in question till decision of the appeal, has vehemently asserted that proceedings against Avtar Singh and Avtar Kaur, who were in illegal

possession of the passage in question, have also come to a halt due to this petition filed by the present petitioner.

We do not find any reason as to why said proceedings against other persons, against whom order of ejectment has been passed, which it is informed has not been challenged, would come to a halt by way of present proceedings. The same are clearly independent of each other.

Keeping in view the facts and circumstances as above, order dated 14.10.2022 (Annexure P7) is set aside with the direction that appeal filed by the petitioner be decided by the competent authority expeditiously and definitely on the date fixed before it and if not so possible due to any reason, within four weeks thereafter.

Till then, felling of trees in question only to remain stayed.

Writ petition alongwith pending application, if any, is disposed of accordingly.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

December 21, 2022
Rts

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