

**(116) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-28295-2022

Date of Decision: 08.12.2022

Amar Singh Khadial

..... Petitioner(s)

Versus

Director-cum-Special Secretary and others

..... Respondent(s)

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

Present: Mr. S.S.Swaich, Advocate for the petitioner.

LISA GILL, J.

This writ petition has been filed by the petitioner alleging that the application for interim relief filed alongwith the appeal preferred by him, challenging order dated 06.05.2022(Annexure P-1), ordering his ejection from the land in question, is not being decided whereas warrants of possession have been issued.

It is submitted that petition under Section 7 of Punjab Village Common Lands (Regulation) Act, 1961(hereinafter referred to as 'the Act of 1961') filed by the respondent-Gram Panchayat was allowed on 06.05.2022. The petitioner preferred the appeal under Section 7(2) of the Act of 1961 on 06.06.2022. Application seeking interim relief of stay of dispossession was also filed alongwith the appeal.

Notice is stated to have been issued in the appeal to the respondent on 13.07.2022 and thereafter, the matter was adjourned on various occasions and is now stated to be listed for hearing on 21.12.2022.

Learned counsel for the petitioner submits that warrants of possession have nevertheless been issued on 16.08.2022 and 09.12.2022 has been fixed for execution of warrants. It is submitted that manifest injustice and

irreparable loss shall be caused to the petitioner in case he is dispossessed from the property in question without his appeal and especially the application for interim relief not being decided.

Keeping in view the facts and circumstances as above but without any expression of opinion on the merits of the case, this writ petition is disposed of with a direction to the Director, Rural Development and Panchayats to decide the application for interim relief filed by the petitioner alongwith his appeal expeditiously in accordance with law by passing a speaking order after affording due opportunity of hearing to all concerned, expeditiously and preferably within four(04) weeks from the date of receipt of certified copy of this order

Till then, dispossession of the petitioner shall remain stayed.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

08.12.2022

Anjal

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No