

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 29115 of 2022(O&M)
Date of Decision:16.12.2022

Charan Singh (deceased) through his LR Lakhvir Singh

.....Petitioner

Versus

State of Punjab and others

..... Respondents

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

Present: Mr.M.L.Saggar, Sr. Advocate
with Mr. G.P.Vashisht, Advocate
and Ms. Armaan Saggar, Advocate
for the petitioner.

Mr. Sandeep Jain, Addl.AG., Punjab.

LISA GILL, J(Oral).

Prayer in this writ petition is for a direction to respondent no.2 to decide the application for interim relief filed by the petitioner along with the appeal preferred by him under Section 9 (1) of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (for short 'the 1973 Act') for setting aside order dated 27.05.2022.

Eviction proceedings were initiated against the petitioner by the respondent-Gram Panchayat under Section 4, 5 and 7 of the 1973 Act. The said petition was allowed in favour of the respondent-Gram Panchayat on 27.05.2022, Annexure P-1.

Learned counsel for the petitioner submits that appeal has been preferred by the petitioner challenging order dated 27.05.2022, Annexure P-1, and application for interim relief has also been filed by the petitioner along with the appeal on 25.06.2022. It is further submitted that the appeal as well as application seeking interim relief is still pending before respondent no.2 and is now listed for 11.01.2023. In the meanwhile, warrants of possession have been issued on 14.11.2022, Annexure P-5. In case, said warrants are executed even before the decision of his appeal/application for stay, manifest and irreparable injustice shall be caused to the petitioner.

Notice of motion to respondents no.1 to 3, only, at this stage. Notice is not being issued to respondent no.4-Gram Panchayat in view of the nature of the order being passed and to obviate any further delay.

Advance copy of the writ petition has been supplied to the State. Mr. Sandeep Jain, Addl.AG., Punjab, accepts notice on behalf of respondents no.1 to 3.

Admittedly, the petitioner has preferred an appeal challenging order of eviction dated 27.05.2022 passed by the Collector. Application seeking interim relief has also been filed. The appeal along with the application is stated to be pending for 11.01.2023.

Indeed, petitioner would be prejudiced, in case warrants of possession are executed even before adjudication upon at-least the application seeking interim relief.

Keeping in view the facts and circumstances as above, but without expression of any opinion on the merits of the case, it is directed that the appeal or at-least the application for interim relief, be decided by respondent no.2 on 11.01.2023 and in case, not so possible, the same be

decided within the next three weeks by passing a speaking order, after
affording due opportunity of hearing to all concerned.

Till then, warrants of possession be kept in abeyance.

Writ petition is accordingly disposed of.

**(LISA GILL)
JUDGE**

December 16, 2022.
s.khan

**(RITU TAGORE)
JUDGE**

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.