

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-29317-2022 (O&M)
Date of Decision: 19.12.2022

GURNAM SINGH
Versus

..... Petitioner(s)

DIRECTOR RURAL DEVELOPMENT AND PANCHAYATS AND
OTHERS

..... Respondent(s)

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

Present: Mr. B.S. Jaswal, Advocate for the petitioner.

Mr. Sandeep Jain, Additional A.G. Punjab.

LISA GILL, J.

Prayer in this writ petition is for a direction to respondent no.1 to decide the application for interim relief filed by the petitioner along with the appeal preferred by him under Section 7 (2) of the the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as the 1961 Act) against order dated 20.10.2022, passed by the Collector-cum-District Development and Panchayat Officer, Amritsar, directing eviction of petitioner.

Eviction proceedings were initiated against the petitioner by the respondent-Gram Panchayat under Section 7 of the 1961 Act. The said application was allowed in favour of the respondent-Gram Panchayat on 20.10.2022, Annexure P-4.

Learned counsel for the petitioner submits that appeal dated 03.11.2022, Annexure P7 has been preferred by the petitioner challenging order dated 20.10.2022 and application for interim relief has also been filed by the petitioner along with the appeal on 03.11.2022, Annexure P-5. It is further submitted that appeal as well as application seeking interim relief is still pending before respondent no.1 and is now listed for 20.01.2023. In the meanwhile, warrants of possession have been issued. In case, said warrants are executed

even before the decision of his appeal/application for stay, manifest and irreparable injustice, it is stated shall be caused to the petitioner.

Notice of motion to respondents no.1 and 3, only, at this stage. Notice is not being issued to respondent no.2-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 and 3.

Admittedly, petitioner has preferred an appeal challenging order of eviction dated 20.10.2022, passed by respondent no.1. Application seeking interim relief has also been filed. The appeal along with the application is stated to be pending for 20.01.2023. 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.1 on 20.01.2023 and in case, not so possible, same be decided within the next three weeks by passing a speaking order, after affording due opportunity of hearing to all concerned. Warrants of possession be kept in abeyance till decision of the application seeking interim relief.

Writ petition is accordingly disposed of.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

19.12.2022

Sunil

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