

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

(130)

CWP-1486-2023

Date of decision: - 24.01.2023

Narinder Singh and others

....Petitioners

Versus

Joint Development Commissioner, Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. R.S. Chauhan, Advocate
Mr. Rohit Sapehiya, Advocate; and
Ms. Deepika Chauhan, Advocate
for the petitioners.

VIKAS BAHL, J. (ORAL)

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of appropriate order or direction directing respondent No.1 to decide stay application dated 06.10.2022 (Annexure P-4) filed along with appeal dated 06.10.2022 (Annexure P-3) as warrant of possession has been issued.

Learned counsel for the petitioners has submitted that against the order dated 05.08.2022, the petitioners had filed an appeal bearing No.938 of 2022 along with application for stay and in the said case, vide order dated 07.12.2022, notice was issued to the Gram Panchayat with respect to the stay application and record of the case had been summoned for 18.01.2023. It is further submitted that on 18.01.2023 the Court was not held and the case has now been adjourned to 01.03.2023. It is also

submitted that warrant of possession has been issued and the same is to be executed on 24.01.2023. It is prayed that the petitioners be permitted to move an application for preponement of the appeal along with the stay application and the same be considered uptill 01.02.2023 and till then status quo be granted.

This Court has heard learned counsel for the petitioners and has perused the paper-book.

Keeping in view the prayer made by the petitioners and the fact that as per the case of the petitioners warrant of possession has been issued, the present writ petition is disposed of with liberty to the petitioners to move an application for preponement of the stay application/appeal and respondent No.1 is directed to consider the application for preponement alongwith stay application and pass a speaking order on the same on or before 01.02.2023.

Till 01.02.2023, status quo with regard to possession shall be maintained.

It would be relevant to note that the grant of status quo till 01.02.2023 should not be considered as an expression on the merits of the case and respondent No.1 shall consider the preponement application/stay application in accordance with law.

Interim relief of status quo is being granted till the next date of hearing only on account of the fact that inspite of the appeal having been filed on 07.12.2022, in which, notice of motion was issued and notice in the stay application was also issued, the same could not be taken up on 18.01.2023 as the Court was not being held as per the averments

made by the petitioners and even the warrant of possession has been issued.

It is made clear that in case any of the facts which have been stated by the petitioners are found to be false, it would be open to the respondents to move an application for vacation of the stay that has been granted.

January 24, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No