

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

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CWP-1832-2023

Date of Decision : **January 31, 2023**

Amar Nath and others

.....Petitioners

VERSUS

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Parminder Singh, Advocate
for the petitioners.

KULDEEP TIWARI, J.

1. By filing the present writ petition under Articles 226/227 of the Constitution of India, the petitioners have thrown a challenge to the notice dated 7.3.2022 (Annexure P-5) whereby, the notice for removal of possession has been issued on the strength of an order dated 4.1.2022 (Annexure P-3) passed by the learned Assistant Collector First Class, Indri in a petition under Section 7(2) of the Haryana Village Common Land (Regulation) Act, 1961 whereby the petitioners were found in an unauthorized possession and, therefore, orders of eviction were made by the authority concerned.

2. Learned counsel for the petitioners submits that they have filed statutory appeal before the Appellate Authority concerned, against the order dated 4.1.2022 (Annexure P-3) and the same is pending before the learned Collector concerned. However, in the meanwhile, the impugned notice dated 7.3.2022 (Annexure P-5) has been issued. He further submitted that an application for interim relief has also been preferred alongwith the appeal. In case the impugned notice is executed, the whole purpose for filing the statutory appeal would be rendered infructuous.

3. Notice of motion to respondents No. 1 to 3 only at this stage.
4. Mr. Raman Sharma, Addl. AG, Haryana accepts notice on behalf of respondents No. 1 to 3 and has not disputed the factum of filing the appeal. He very fairly submits that as of today, the parties may be directed to maintain status-quo during the pendency of the appeal and respondent No.2-Collector, Karnal, be directed to decide the pending appeal in a time bound manner.
5. Since the matter is pending before the statutory Appellate Authority, therefore, it would not be appropriate for this Court to express any opinion on the merits of the case.
6. Considering the above factual aspects, it would be appropriate to issue a direction to the statutory Appellate Authority to decide the application seeking interim prayer for stay within a period of one month from the date of receipt of a certified copy of this order, after affording due opportunity of hearing to all the concerned, by passing a speaking order.
7. Disposed of accordingly.
8. In the meanwhile, the operation of the notice dated 7.3.2022 (Annexure P-5) shall remain stayed and the parties are directed to maintain status-quo regarding possession till the decision made upon the application seeking interim relief by the learned Appellate Authority.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

January 31, 2023
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No