

CWP-4489-2023

Date of Decision : 03.03.2023

BALWAN

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**Present : Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Raman Sharma, Addl. A.G., Haryana.

SURESHWAR THAKUR, J. (Oral)

1. By filing the present writ petition under Articles 226/227 of the Constitution of India, the petitioner has shown an apprehension for his being dis-posessed from the disputed land, on the strength of an order dated 18.01.2023 (Annexure P-1) passed by the learned Assistant Collector First Grade, Samalkha, District Panipat, in a petition under Section 7(2) of the Haryana Village Common Lands (Regulation) Act, 1961, whereby the petitioner was found in an unauthorized possession and, therefore, the orders of eviction were made by the authority concerned.

2. Learned counsel for the petitioner submits that they have filed statutory appeal before the Appellate Authority concerned, against the order dated 18.01.2023 (Annexure P-1) and the same is pending before the learned Collector concerned. He further submits that an application for interim relief has also been preferred alongwith the appeal. In case the petitioner is dis-posessed from the disputed land, 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, Panipat, 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 statutory appeal within a period of three months 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 parties are directed to maintain status-quo regarding possession till the decision is made upon the statutory appeal by the learned Appellate Authority.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

03.03.2023

kavneet singh

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