

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

107

CWP-4498-2023
Date of Decision : March 03, 2023

JODHBIR SINGH & ORS

.....Petitioners

VERSUS

STATE OF PUNJAB & ORS

.....Respondents

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

Present : Mr. S.S.Salar, Advocate
for the petitioners.

Ms. Monika Jalota, Sr. DAG, Punjab.

SURESHWAR THAKUR. J.(Oral)

1. By filing the present writ petition under Articles 226/227 of the Constitution of India, the petitioners have shown an apprehension for theirs being dispossessed from the disputed land, on the strength of an order dated 5.12.2022 (Annexure P-1) passed by the learned District Development & Panchayat Officer, Sangrur in an application under Sections 4 and 5 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973, whereby the petitioners were found in an unauthorized possession and, therefore, the 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 5.12.2022 (Annexure P-1), and, the same is pending before the learned Commissioner concerned. He further submits that an application for interim relief has also been preferred alongwith the appeal. In case the petitioners are dispossessed from the disputed land, the whole purpose for filing the statutory appeal would be rendered infructuous.

3. Notice of motion to respondents No. 1 and 2 only at this stage.

4. Ms. Monika Jalota, Sr. DAG, Punjab accepts notice on behalf of respondents No. 1 and 2, and, has not disputed the factum of filing the appeal. She 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-Joint Development Commissioner, SAS Nagar, Mohali 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 appeal by the learned Appellate Authority.

**(SURESHWAR THAKUR)
JUDGE**

**(KULDEEP TIWARI)
JUDGE**

March 03, 2023
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No