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

CWP-6215-2023

Date of decision : 17.04.2023

Pala Ram

...Petitioner

Versus

Commissioner, Karnal, Division Karnal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ashish Aggarwal, Sr. Advocate with
Mr. Bikram Chaudhary, Advocate and
Mr. Vishal Pundir, Advocate for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana,
for respondent Nos.1 and 2.

Mr. Rajesh Gaur, Advocate for respondent No.3.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside the order dated 02.03.2023 (Annexure P-13) passed by respondent No.1 rejecting the application filed by the petitioner for the extension of the interim stay order dated 16.02.2023 (Annexure P-11) which was granted to the petitioner in the appeal filed by the petitioner against the order dated 19.01.2023 (Annexure P-9).

2. On 24.03.2023, this Court had passed the following order:-

“Learned Senior Counsel for the petitioner inter alia

contends that the petitioner was granted lease of land measuring 30 kanals and 18 marlas since 1974-75 by the Gram Panchayat and the said lease was a yearly lease. It is further submitted that initially, the respondents tried to forcibly dispossess the petitioner but then the petitioner had filed a suit for injunction and that suit was decreed vide judgment and decree dated 26.04.2019 and it had been stated in the same that the respondents could dispossess the petitioner only in due course of law. It is contended that during the pendency of the civil suit, a revision petition was filed before this Court and a Coordinate Bench of this Court in the proceedings arising out of Order 39 Rules 1 and 2 CPC, vide order dated 18.01.2019 (Annexure P-1) had granted status quo till the disposal of the suit and also directed the petitioner to pay an amount of Rs.3 lacs to the respondents within a period of one month for enjoying the fruits of the land even after expiry of the lease in May, 2016. It is further contended that in compliance of the said order, drafts were prepared and the respondents had accepted the same. It is also submitted that in the subsequent years, the respondent-Municipal Committee, refused to accept the drafts. It is argued that thereafter, the respondent-Municipal Committee had instituted a petition for eviction under the provisions of Haryana Public Premises Act, in which, vide order dated 19.01.2023, the Collector had passed an eviction order and the petitioner filed an appeal before the Divisional Commissioner, Karnal Division, Karnal and the Divisional Commissioner, Karnal was pleased to issue notice of motion in the appeal and after considering the arguments raised by the petitioner, granted interim stay till 02.03.2023. It is further argued that on 02.03.2023, the interim stay granted was vacated, although, the appeal was adjourned to 18.05.2023. It is further contended that on account of the impugned order dated 02.03.2023, the petitioner has been put

*in a precarious situation inasmuch as the appeal of the petitioner has not been decided and yet, the interim order has not been continued and thus, in case, no interim order is granted by this Court, then the statutory appeal of the petitioner would be rendered infructuous. It is further submitted that there are arguable points in the appeal and one of the issues which has been raised by the petitioner is whether in a case of an agricultural lease, eviction petition is to be filed under the Haryana Public Premises Act or if a petition under the Punjab Security of Land Tenures Act, 1953 would be maintainable and in support of the said submissions, he has relied upon a judgment passed by the Hon'ble Supreme Court in **Shyam Lal Vs. Deepa Dass Chela Ram Chela Garib Dass**, reported as **2016(3) RCR (Civil) 812**. It is also contended that at any rate, the Commissioner should have decide the appeal instead of adjourning the same and vacating the interim stay granted. It is further submitted that the petitioner is even ready to deposit further rent which would be approximately be to the tune of Rs.3.5 lacs.*

Notice of motion for 17.04.2023.

Till the next date of hearing, status quo regarding possession be maintained.

To be taken up at 01:45 PM.

Liberty is also granted to the petitioner to serve respondent No.3 through dasti process also.”

3. Learned State Counsel appearing on behalf of respondent Nos.1 and 2 has submitted that respondent Nos.1 and 2 are quasi judicial authorities and thus, they are not the contesting parties and it is respondent No.3 who is the contesting party.

4. Learned counsel for respondent No.3 has submitted that the main case is pending for 18.05.2023. It is further submitted that in case, the

interim order granted by this Court is continued then the Divisional Commissioner, Karnal Division, Karnal be directed to decide the case expeditiously and preferably within a period of two months from 18.05.2023. It is contended that respondent No.3 is not ready to accept an amount of Rs.3.5 lacs and as per the case of respondent No.3, the petitioner is in unauthorized occupation.

5. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with directions to the Divisional Commissioner, Karnal Division, Karnal to decide the appeal filed by the petitioner against the order dated 19.01.2023 as expeditiously as possible and preferably within a period of two months from 18.05.2023. Till the time the appeal is not decided, the interim order passed by this Court dated 24.03.2023 i.e. status quo regarding the possession be maintained, would continue.

6. It is made clear that this Court has not given any final opinion on the merits of the case and it would be open to the Divisional Commissioner, Karnal Division, Karnal to decide the appeal of the petitioner independently and in accordance with law after hearing all the concerned parties.

7. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

17.04.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**