

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 6484 of 2023

Date of Decision: 28.7.2023

Kamru 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. Arihant Jain, Advocate
for the petitioners.

Mr. Ankur Mittal, Addl. A.G., Haryana with
Mr. Saurabh Mago, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The limited relief, as asked for in the instant petition relates to the setting aside, and, annulment of the orders, embodied respectively in Annexure P-15, Annexure P-16, and, Annexure P-17, whereby the statutory authorities concerned, declined to grant stay to the present petitioner against the operation of the order of eviction, as made on the relevant motion, thus by the learned Assistant Collector concerned.

2. Since, on telephonic instructions, it is stated by the learned State counsel, that the relevant statutory directed appeal against the verdict of eviction, as drawn by the learned Assistant Collector concerned, is yet subjudice before the Collector concerned. Therefore, it was but sagacious for all the authorities concerned, to proceed to stay the operation of the impugned verdict of eviction, as unless the said was done, thereupon the very purpose for filing of the statutory appeal, as, directed against the verdict of eviction, as made by the learned Assistant Collector concerned, rather would become completely frustrated. The reason being that in case, the

order of eviction, became put to execution thereby on the aggrieved judgment debtor succeeding in appeal, rather would result in multiplicity of proceedings, inasmuch as, may be the aggrieved judgment debtor being led to file an application for restoring qua him possession of the writ land, thus from the Gram Panchayat concerned. It is but for avoiding the ill emergence of the above ill eventuality of multiplicity of proceedings, that thereby it was both appropriate, and, tenable for the statutory authorities below, to rather than decline the relief, on the interim application, thus seeking staying of the operation of the verdict of eviction, drawn by the Assistant Collector concerned, to thus stay the operation of the verdict of eviction, as became passed by the learned Assistant Collector concerned.

3. In view of the above, this Court finds merit in the instant petition, and, is constrained to allow it. Accordingly, the instant appeal is allowed.

4. The parties are directed to maintain status quo, as of today, in respect of the disputed land.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

July 28, 2023
Gurpreet

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