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

CWP-9813-2023

Date of decision:08.052023

GURU HANUMAN AKHARA

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Mr. Nitin Kadian, Advocate for
Mr. Yashveer Kharb, 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-possessed from the disputed land, on the strength of an order dated 22.07.2022 (Annexure P-1) passed by the learned Assistant Collector First Class, Samalkha, in a petition cast under Section 7(2) of the Haryana Village Common Lands (Regulation) Act, 1961, whereby the petitioner was found in unauthorized possession of the petition lands, thus resulting in the orders of eviction being made against him by the authority concerned.

2. Learned counsel for the petitioner submits, that he has filed a statutory appeal before the Appellate Authority concerned, against the order dated 22.07.2022 (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 statutory appeal. In case the petitioner is dis-

possessed from the disputed land, the whole purpose of 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 apposite 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-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, by passing a speaking order, decide the statutory appeal within a period of three months from the date of receipt of a certified copy of this order, but after affording an adequate opportunity of hearing to all the concerned.

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

08.05.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

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