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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-9915-2023

Date of decision:08.052023

BALDEV SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

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

Present: Mr. Nakul Sharma, Advocate
for the petitioner.

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 petitioner has shown an apprehension of execution of auction proceedings (Annexure P-14), on the strength of an order dated 16.06.2022 (Annexure P-8) passed by the learned Collector-cum-District Development & Panchayat Officer, Ludhiana, in a petition under cast Section 7 of the Punjab 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 16.06.2022 (Annexure P-8) 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 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 5 only at this stage.

4. Ms. Monika Jalota, Sr. DAG, Punjab accepts notice on behalf of respondents No. 1 to 5 and has not disputed the factum of filing the apposite 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-Commissioner, 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, by passing a speaking order, decide the statutory appeal within a period of two 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, till a decision is made on the stay application by the learned Appellate Authority concerned, thereupto the parties are directed to maintain status quo only in respect of the petition lands.

(SURESHWAR THAKUR)
JUDGE

08.05.2023

Ithlesh

Whether speaking/reasoned:-
Whether reportable:

Yes/No
Yes/No

(KULDEEP TIWARI)
JUDGE