

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

(134)

CWP-9891-2023

Date of decision: - 08.05.2023

Narayain Ram and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Abhinav Sood, Advocate,
for the petitioners.

Mr. Ferry Sofat, Additional Advocate General, Punjab
for the respondents.

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 quashing the proceedings including notices dated 21.02.2023 and 15.03.2023 (Annexures P-5 and P-6, respectively), issued on the basis of order dated 07.12.2022 passed by the Collector.

2. Learned counsel for the petitioners has submitted that in the present case notice dated 09.11.2022 was issued by the Collector, Fazilka under Section 4(i) of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (in short "the Act") for occupation of the land of the petitioners which was stated to be Shamlat Land and in response to the same, a reply dated 24.11.2022 (Annexure P-3) was filed and no date was given and thereafter, the petitioners learnt that the order dated

07.12.2022 has been passed by the Collector but however a copy of the same has not been given inspite of an application dated 31.01.2023 (Annexure P-4) filed by the present petitioners. It is further submitted that the authorities are now seeking to take possession from the present petitioners and reference has been made to the letters dated 21.02.2023 & 15.03.2023. Learned counsel for the petitioners has submitted that the respondents be directed to supply a copy of the order dated 07.12.2022 so that the petitioners can avail their remedy of appeal under Section 9 of the Act and the period to file the same, as prescribed, is stated to be 30 days. It is prayed that till the time the appeal is not filed, status quo regarding possession be maintained.

3. Learned State counsel has submitted that although as per the order dated 15.03.2023, it is stated that a copy of the order has already been supplied but however, keeping in view the prayer made by the petitioners, another copy of the order dated 07.12.2022 would be supplied to the petitioners by the Collector in case the petitioners visit the office of the Collector on any particular date.

4. Keeping in view the above said facts and circumstances, the present petition is disposed of with the following directions:-

- i) The petitioners would go to the office of respondent no.3-Collector, Abohar on 15.05.2023. The office of respondent no.3 is directed to supply a copy of the order dated 07.12.2022 to the petitioners and in case any further amount is to be deposited by the petitioners, the petitioners would deposit the same.
- ii) The petitioners are granted liberty to file appeal against the said order. In case the appeal is filed within a period

of 30 days from 15.05.2023, then the appellate authority would not reject the same solely on the ground of limitation.

- iii) Till 30.05.2023, the respondents are directed to maintain status quo with respect to the property in question. The grant of interim order of status quo should not be construed as an expression on the merits of the case and the appellate authority would consider the main appeal as well as application for stay, if any, filed by the petitioners, independently, in accordance with law.
- iv) The continuance of the interim order would also be independently considered by the appellate authority.

May 08, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No