

In the High Court of Punjab and Haryana at Chandigarh

(119)

CWP No. 12626 of 2023

Date of Decision: 01.6.2023

Satinder Pal Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sandeep Kumar, Advocate for the petitioners.

SURESHWAR THAKUR, J. (ORAL)

1. By filing the instant writ petition under Articles 226/227 of the Constitution of India, the petitioners herein, have shown an apprehension for theirs being dis-posessed from the disputed land, rather on the strength of an order passed on 16.12.2021, on the petition, appended as Annexure P-3, to the instant petition, thus by the learned District Development and Panchayat Officer-cum-Collector Kapurthala, in a petition cast under Section 4 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973, whereby the petitioners-respondents therein, were found to be in unauthorized possession of the petition lands, therefore, order of eviction was made against them, by the authority concerned.

2. The learned counsel for the petitioners submits, that the petitioners herein have filed the statutory appeal, appended as Annexure P-4 in all the writ petitions (supra), before the Appellate Authority concerned, against the order (supra), and the same is pending before the learned Appellate Authority concerned. In case the petitioners are dis-posessed from the disputed lands, the whole purpose for filing the statutory appeal would be rendered infructuous.

3. He further submits that application for interim relief has also been preferred alongwith the appeal (supra) and respondent No. 2 be directed to

decide the said application, and, till that time the operation of the impugned

order dated 16.12.2021 (Annexure P-3) be stayed.

4. Notice of motion to respondents No. 1 to 3 only at this stage.

5. Ms. Deepali Puri, Addl. A.G., Punjab accepts notice on behalf of respondents No. 1 to 3 and has not disputed the factum of filing the appeal (supra). 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-Joint Development Commissioner (Exercising the powers of Commissioner), Punjab, SAS Nagar, Mohali, be directed to decide the pending appeal (supra) in a time bound manner.

6. Since the matter is pending before the statutory Appellate Authority concerned, therefore, it would not be appropriate for this Court to express any opinion on the merits of the case.

7. Considering the above factual aspects, it would be appropriate to issue a direction to the statutory Appellate Authority concerned, to decide the statutory appeal (supra) within a period of three months from the date of receipt of a certified copy of this order, after affording due opportunity of hearing to all the concerned, by passing a speaking order.

8. Disposed of accordingly.

9. In the meanwhile, the parties are directed to maintain status quo regarding possession till the decision is made, upon the statutory appeal (supra) by the learned Appellate Authority concerned.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

June 01, 2023
Gurpreet

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