

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

CWP-13026-2023

Date of Decision: June 07, 2023

HARDEV SINGH AND OTHERS

..... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. Sandeep Kumar, Advocate for the petitioners.
Ms. Akshita Chauhan, DAG, Punjab.

SANDEEP MOUDGIL, J. (ORAL)

Jurisdiction of this Court under Articles 226/227 of the Constitution has been invoked seeking writ of mandamus against respondent No.2 to decide the stay application dated 23.03.2022 which was preferred along with an appeal (Annexure P-4) under Section 9 of Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 titled as Narender Singh Vs. Gram Panchayat.

The petitioner has assailed an order dated 16.12.2021 passed by Collector/DDPO Kapurthala whereby the eviction petition filed by Gram Panchayat was allowed but no decision has been taken on application for stay.

Learned counsel for petitioner has also placed reliance on order dated 30.05.2023 passed by this Court in identical CRWP-12140-2023 along with other bunch of writ petitions wherein the following order has been passed:-

“1. By filing the instant writ petitions (supra) under Articles 226/227 of the Constitution of India, the petitioner(s) herein, have shown an apprehension for theirs being dis-possessed from the disputed land, rather on the strength of separate orders passed on even date i.e. 11.01.2022, on the respective petitions, appended as Annexure P-3, in all the writ petitions (supra), thus by the learned District Development and Panchayat Officer-cum-Collector Kapurthala, in separate petition(s) cast under Section 4 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973, whereby the petitioner(s), respondent(s) therein, were found to be in unauthorized possession of the petition lands,

therefore, orders of eviction were made against them, by the authority concerned.

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

3. He further submits that application(s) for interim relief has also been preferred alongwith the appeals (supra) and respondent No. 2 be directed to decide the said application and till that time the operation of the impugned order(s) dated 11.01.2022 (Annexure P-3) be stayed.

3. Notice of motion to respondents No. 1 to 3 only at this stage in all the writ petitions (supra).

4. 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 appeals. She very fairly submits that as of today, the parties may be directed to maintain status-quo during the pendency of the appeals and respondent No.2-Joint Development Commissioner (Exercising the powers of Commissioner), Punjab, SAS Nagar, Mohali, be directed to decide the pending appeal(s) 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 decide the statutory appeal(s) 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.

7. Disposed of accordingly.

8. In the meanwhile, the parties are directed to maintain statusquo regarding possession till the decision is made upon the statutory appeal(s) by the learned Appellate Authority.

9. A copy of this order be placed on the files of the other connected cases.”

Though this Court is at pain to see the pendency of quasi-judicial authorities for no justifiable cause putting the common man/litigants to face hardship on account of either not holding Court on that particular day or under the garb of overloaded with administrative works, respondent No.2-Joint Development

Punjab is directed to dispose of the entire application for stay within a period of four weeks from today.

In the meanwhile, parties are directed to maintain status quo regarding possession till the decision of stay application as has been directed herein-above.

The present petition stands disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

07.06.2023
tejwinder

(ALOK JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No