

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-13605-2023 (O&M)

Decided on : 20.07.2023

Kahla Singh

...Petitioner

Versus

State of Punjab and Others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

PRESENT: Mr. Hardeep Singh Saini, Advocate for the petitioner.

Mr. Arun William, Assistant Advocate General, Punjab.

Mr. V. K. Sandhir, Advocate for respondent No. 3

RAJESH BHARDWAJ, J. (Oral)

Present petition has been filed by the petitioner for issuance of a writ in the nature of mandamus directing respondent No. 2 to decide the application dated 15.06.2023 (Annexure P-6) for the extension of status quo order dated 02.09.2020, passed by respondent No. 2 in an appeal No. 43 -A of 2016 titled as *Kahla Singh vs. Gram Panchayat/Gram Sabha*, Village Khudadpur (Annexure P-2) filed by the petitioner under Section 9 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973. Further prayer has been made to stay the dispossession of the petitioner till the decision of the application dated 15.06.2023 by respondent No. 2.

In a petition filed by G. P. Khudadpur under Sections 4 & 5 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973, petitioner was ordered to be evicted from the land in question vide order dated 29.03.2016 passed by Collector, Patiala.

Learned counsel for the petitioner has stated that petitioner has filed an appeal against the order dated 29.03.2016 passed by Collector (Panchayat Land) DDPO, Patiala alongwith an application for stay and the same are pending consideration before respondent No. 2.

Initially, respondent No. 2, after hearing the petitioner granted the status quo order. Thereafter, during the second wave of COVID-19, the case was not taken up and after that the said status quo could not be extended and the matter i.e. appeal as well as stay application is still pending consideration before respondent No. 2. Now, respondent No. 3 is interfering with the possession of the petitioner and is trying to auction the same forcibly.

Mr. V. K. Sandhir, Advocate appears and files his vakalatnama on behalf of respondent No. 3 and the same is taken on record. He has stated that he has no objection, if respondent No. 2 is directed to decide the stay application filed by the petitioner in a time bound manner. He has further stated that Gram Panchayat will not interfere with the possession of the petitioner till his stay application is decided by respondent No. 2. He has further stated that now the appeal is fixed for hearing for 01.08.2023 before respondent No. 2.

Keeping in view the undertaking given by learned counsel for respondent No. 3, the present petition is disposed of with a direction to respondent No. 2 i.e. Joint Development Commissioner (exercising the powers of the Commissioner under the Punjab Public Premises Act), SAS Nagar, Mohali, to take up the appeal alongwith the stay application on 01.08.2023, the date stated to be fixed before him and decide the stay application expeditiously in accordance with law after hearing the parties. Respondent No. 3 shall be bound by the undertaking given by its counsel today, in maintaining the status quo regarding the possession till the decision of the stay application filed by the petitioner.

Disposed of in above mentioned terms.

(RAJESH BHARDWAJ)
JUDGE

20.07.2023

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