

2023:PHHC:082490

144 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13653-2023

Date of decision: 26.06.2023

DHARAMBIR AND OTHERS

...PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Rajbir Singh Arya, Advocate
for the petitioners.

DEEPAK MANCHANDA J. (ORAL)

1. The instant civil writ petition has been filed under Articles 226/227 of Constitution of India for issuance of a writ in the nature of Mandamus for staying the operation and implementation of the order dated 08.02.2023 (Annexure P-1) with stay application dated 26.05.2023 (Annexure P-2) till the decision of the stay applicaton/appeal as till date the stay application has not been decided and the Ld. Collector is not holding the Court upto 27.06.2023.

2. Learned counsel for the petitioners submits that the petitioners herein have filed separate statutory appeals in the instant petition before the Appellate Authority concerned, against the ejectment order dated 08.02.2023 (Annexure P-1), and the same are 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 appeals would be rendered infructuous.

3. He further submits that applications for interim relief has also been preferred alongwith the appeals and respondent No. 2 be directed to decide the said application and till that time, the operation of the impugned order dated 08.02.2023 (Annexure P-1) be stayed.

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

5. Mr. Gurmeet Singh, AAG, Haryana, who is present in the Court, accepts notice on behalf of respondent No.1-State and has not disputed the factum of filing the appeals. He 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-Deputy Commissioner, Sonipat, District Sonipat, be directed to decide the pending appeals 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 within a period of two 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 status-quo

regarding possession till the decision is made upon the statutory appeal by the learned Appellate Authority.

26.06.2023

(DEEPAK MANCHANDA)
JUDGE

manisha

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