

2023:PHHC:088160

130 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH
CWP-14787-2023
Date of Decision: 14.07.2023

Nand Kishore and others Petitioners

Versus

Deputy Commissioner and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sherry K. Singla, Advocate, for the petitioners.

Rajesh Bhardwaj, J. (ORAL)

Petitioners have approached this Court praying for issuance of a writ in the nature of mandamus directing respondent No.1 to pass appropriate orders in the application dated 28.06.2023 for staying the operation and execution of the impugned order dated 09.06.2023 passed by respondent No.2 and for staying the dispossession of the petitioners from the suit land, till the final disposal of the appeal.

It has been contended by learned counsel for the petitioners that against the order dated 09.06.2023, which was an *ex parte* order, the petitioners have already filed an appeal under Section 9 of the Punjab Public Premises & land (Eviction & Rent Recovery) Act, 1973 before respondent No.1 alongwith stay application. He submits that despite filing of the appeal, the same is not being heard till date. He submits that earlier this appeal was fixed for 04.07.2023 as the case was not heard now it is fixed for 25.07.2023. He submits that the respondent-authorities are bent upon in making demarcation of the property without hearing the appeal filed by the petitioners.

Notice of motion.

Mr. Charanpreet Singh, Assistant Advocate General, Punjab,

accepts notice on behalf of the respondent-State.

After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioners have already availed their statutory remedy by way of filing appeal alongwith stay application, but the same has not been heard by respondent No.1 till date, however, the same is said to have been fixed for 25.07.2023. The present petition is disposed of with a direction to respondent No.1 to take up the appeal filed by the petitioners on the date fixed and hear the arguments on stay application filed by the petitioners and decide the same expeditiously in accordance with law.

14.07.2023
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No