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

CWP-15132-2023

Date of Decision: July 18, 2023

Ram Partap

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.P.S.Khurana, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of writ in the nature of mandamus directing the respondent No.2 to decide the appeal, (Annexure P-6) filed by the petitioner under Section 9 of the Punjab Public Premises (Ejectment and Rent Recovery) Act, 1973 and stay application filed alongwith the appeal within a prescribed period as respondents No.4 and 5 are bent upon to take the possession of the land in question from the petitioner in the execution of the impugned order, dated 07.12.2022, Annexure P-4.

It has been contended by counsel for the petitioner that petitioner has already availed his remedy of filing an appeal alongwith stay application, which is pending before respondent No.2 but the same has not been taken up so far for hearing. He submits that if stay application filed by the petitioner is not heard, he would suffer an irreparable loss as respondent/authorities would implement the impugned order, challenged in the appeal.

Notice of motion.

On asking of the Court, Ms.Akshita Chauhan, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents/State and submits that the appeal was filed on 16.05.2023 and the same is fixed for hearing on 26.07.2023 before respondent No.2.

After hearing counsel for the parties and in the facts and circumstances of the case, the present petition is disposed of with a direction to respondent No.2, i.e. Director-cum-Joint Development Commissioner, to take up the appeal on the date fixed, i.e. 26.07.2023 and also hear the parties on stay application and decide the same expeditiously as per law.

July 18, 2023
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |