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

CWP- 15137-2023

Date of Decision: July 18, 2023

Mahinder Kumar and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

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

.....

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 petitioners 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 09.12.2022, Annexure P-3/T.

It has been contended by counsel for the petitioners that petitioners have already availed their 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 petitioners is not heard, they 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 29.06.2023 but the same has not been taken up for hearing till date.

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 within fifteen days from today 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 |