

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121

CWP-15848-2023 (O&M)
Date of Decision : August 01, 2023

SWARAN SINGH

-Petitioner

VERSUS

JOINT DEVELOPMENT COMMISSIONER PUNJAB AND ORS.

-Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. J.S. Bhandohal, Advocate
for the petitioner.

Mr. Gurmanpreet Singh, Advocate
for the respondent No.1/Caveator.

SURESHWAR THAKUR, J.(ORAL)

1. The solitary grievance, as raised before this Court, by the writ petitioner, relates to the quashing of Annexure P-4, whereby, the appellate authority concerned, through the drawing of Annexure P-4, declined to, on the apposite application filed within the statutory appeal concerned, thus grant relief for staying the operation of the verdict of eviction (Annexure P-3), as passed by the learned Collector concerned.
2. Though normally, the appellate authority concerned was required to be granting the asked for relief to the appellant therein, as thereby the very purpose of filing of an appeal, against the verdict of eviction, would not thus become frustrated. However, the above did not happen.
3. Since the learned counsel appearing for the petitioner also submits, that the possession of the disputed lands has been assumed by the

CWP-15848-2023 (O&M)

2

Gram Panchayat concerned, from the petitioner, thus this Court does not deem it fit and appropriate to stay the operation of the verdict of eviction (Annexure P-3), as became declined through Annexure P-4, simply on the score, that thereby the impugned declining order (Annexure P-4), has thus acquired finality and conclusivity.

4. Nonetheless, the appellate authority concerned is directed to, most expeditiously and preferably within three months from today, make a lawful speaking decision on the statutory appeal concerned, but after hearing all affected persons concerned.
5. Disposed of accordingly.
6. Caveat petition also stands disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

August 01, 2023
devinder

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