

2023:PHHC:096940

114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16083-2023

Date of Decision: 28.07.2023

Sher Singh @ Shamsher Singh and another Petitioners

Versus

State of Punjab and others Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Aman Bahri, Advocate and
Mr. Bawa Karanveer, 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) as well as the application for stay (Annexure P-7) filed on 04.07.2023 against the orders dated 07.06.2023/22.06.2023 passed by the Sub Divisional Magistrate-cum-Collector, Rupnagar (Annexures P-3 and P-4) vide which the petitioners have been ordered to be evicted from the land in question.

It has been contended by learned counsel for the petitioners that the petitioners have already filed appeal alongwith stay application, which is fixed for hearing before respondent No.2 today itself. 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. He has submitted that the case would be taken up in the afternoon by respondent No.2.

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.

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. Divisional Commissioner, Rupnagar to take up the appeal alongwith the stay application today itself and hear the parties on stay application and decide the same expeditiously as per law.

Learned State counsel would communicate the order passed today to respondent No.2.

28.07.2023 sharmila		(RAJESH BHARDWAJ)
		JUDGE
	Whether Speaking/Reasoned	: Yes/No
	Whether Reportable	: Yes/No