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

CWP-16784-2023

Date of decision:04.08.2023

RAGHBIR SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

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

Present: Mr. Sushil K. Verma, Advocate
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioner suffered a verdict of eviction from the learned Collector concerned. The said verdict is enclosed in Annexure P-15. However, the aggrieved-respondent in the said petition, preferred thereagainst statutory appeal bearing No.00172/2022, before the learned Commissioner, thus exercising the powers of the Competent Statutory Authority.

2. During the pendency of the said statutory appeal, an application for staying the operation of Annexure P-15 was instituted, and, thereon as revealed by Annexure P-11, the Appellate Authority concerned, directed the contesting litigants to maintain *status quo* in respect of the disputed lands. However, the longevity of the said order of status quo lasted only uptill 29.08.2022.

3. Be that as it may, since neither the learned counsel for the appellant nor the appellant appeared personally before the Competent Appellate Authority

concerned, rather on the date assigned for their respective appearance(s). Therefore, it is stated at the bar, by the learned counsel for the petitioner, that through an order made on 14.06.2023, thus the Competent Appellate Authority concerned, dismissed the statutory appeal (supra), hence for default. Nonetheless, it is yet stated at the bar, by the learned counsel for the petitioner, that the said appeal was through an order made, on 26.07.2023 rather ordered to be restored. However, though Annexure P-11 stayed the operation of Annexure P-15, and, it directed the parties to maintain *status quo* in respect of the disputed lands, but the force of the order was stated therein to remain alive only till 29.08.2022. Nonetheless, though on 14.06.2023 the statutory appeal became dismissed for default, and, though it became restored on 26.07.2023, but yet the order of *status quo* which lapsed on 29.08.2022, but was also required to be directed to, on the restoration of the statutory appeal, to thereafter continue to hold force. However, there is no record available today, but suggestive that on the Competent Appellate Authority concerned, restoring the statutory appeal, through making an order on 26.07.2023, rather it also extended the longevity of the *status quo* order, as became passed through Annexure P-11, especially which was to hold force only uptill 29.08.2022. Therefore, it thus well enabled the issuance of notices (Annexure P-13 and P-14), upon, the present petitioner.

4. However, in the larger interest of justice, for ensuring that during the pendency of the statutory appeal before the Competent Appellate Authority concerned, thus equities are not disturbed, through the possession of the disputed lands becoming assumed by the Gram Panchayat concerned, from the present petitioner. Therefore, the present petitioner is directed to forthwith within the statutory appeal institute an application claiming the relief of staying the operation of Annexure P-15, and, also making therein a prayer, that during the pendency of the said statutory appeal the Authorities concerned, may not enforce

the impugned notice of 24.07.2023 (Annexure P-13), and, impugned notice of 27.07.2023 (Annexure P-14). The said application shall be instituted within a week from today, and, till the institution of the said application, the parties are directed to maintain *status quo* in respect of the disputed lands. It is expected from the Competent Appellate Authority concerned, that a prompt decision, but in accordance with law shall be passed on the said interim application to be instituted before it, within a week from today. Moreover, the statutory appeal (*supra*), shall also be decided within four months from today but after hearing all affected concerned.

5. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

04.08.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No