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

CWP-16743-2023

Date of decision:03.08.2023

BALIHAR SINGH AND OTHERS

...Petitioners

Versus

JOINT DEVELOPMENT COMMISSIONER PUNJAB AND OTHERS

...Respondents

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

Present: Mr. H.P.S. Ghuman, Advocate
for the petitioners.

SURESHWAR THAKUR, J. (ORAL)

1. By filing the present writ petition under Articles 226/227 of the Constitution of India, the petitioners have shown an apprehension of theirs being dis-posessed from the disputed lands, thus on the strength of an order dated 07.03.2022, as, passed by the Collector concerned, in a petition cast under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, whereby the petitioners were found in unauthorized possession of the petition lands, thus resulting in a verdict of eviction being made against them, by the authority concerned.

2. Learned counsel for the petitioners submits, that they have filed a statutory appeal (Annexure P-12) before the Appellate Authority concerned, against the order dated 07.03.2022, and the same is pending before the learned Commissioner concerned. He further submits that a prayer for interim relief has also been made within the statutory appeal. The relief of stay has been declined by the learned Commissioner concerned, through the impugned order of

14.06.2023, as embodied in Annexure P-13. In case the petitioners are yet dispossessed from the disputed land, the whole purpose of filing the statutory appeal would be rendered infructuous.

3. Notice of motion to respondents No. 1 and 2 only at this stage.

4. Ms. Monika Jalota, Sr. DAG, Punjab accepts notice on behalf of respondents No. 1 and 2 and has not disputed the factum of filing of the apposite appeal against the passing of the impugned order of eviction. She very fairly submits that as of today, the parties may be directed to maintain *status-quo* during the pendency of the appeal and respondent No.1-Commissioner concerned, be directed to decide the pending appeal in a time bound manner.

5. Since the matter is pending before the statutory Appellate Authority, therefore, it would not be appropriate for this Court to express any opinion on the merits of the case.

6. Considering the above factual aspects, it would be appropriate to issue a direction to the statutory Appellate Authority to, by passing a speaking order, decide the statutory appeal within a period of three months from the date of receipt of a certified copy of this order, but after affording an adequate opportunity of hearing to all the concerned.

7. In consequence, the impugned order (Annexure P-13) is quashed, and, set aside, to the extent of declining the relief qua stay, and, the parties are directed to maintain *status-quo* regarding possession.

8. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

03.08.2023

Ithlesh

Whether speaking/reasoned:-
Whether reportable:

Yes/No
Yes/No

(KULDEEP TIWARI)
JUDGE