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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24530-2023

DATE OF DECISION: 31.10.2023

JAKIR HUSSAIN AND OTHERS

..... PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

..... RESPONDETNES

CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Talim Hussain, Advocate,
for the petitioners.
Mr. Ankur Mittal, Addl. A.G, Haryana.

ARUN PALLI, J. (ORAL)

1. Application under Section 7(2) of the Punjab Village Common Lands (Regulation) Act, 1961, filed by the Gram Panchayat, Nai, against the petitioners was accepted by the Assistant Collector, 1st Grade, Punhana. As a result, their eviction was ordered from the land in question comprised in Khasra No.37/11/1.

2. Learned counsel for the petitioners submits that aggrieved by the order of eviction, petitioners preferred an appeal before the Collector, Nuh, along with an application for stay. However, he submits that even though the matter was listed on three different occasions, i.e. on 11.07.2023, 01.08.2023 and 29.08.2023, but, for the Collector did not hold Court, the appeal was accordingly adjourned, and is now fixed for 14.11.2023. He submits that in the given circumstances, the petitioners apprehends their dispossession, particularly when they have also been served with the notices under Section 24 (1) of the Haryana Panchayati Raj Act. Thus, he submits that in the event, Gram Panchayat succeeds to obtain actual physical possession, not only the petitioners would suffer an irreparable loss and injury but that would also render their appeal as infructuous. Therefore, he submits

that the Appellate Authority be directed to consider and decide the appeal at the earliest and, in the meanwhile, possession of the petitioners be protected.

3. Upon being served with an advance copy of the petition, Mr. Ankur Mittal, Additional Advocate General, Haryana is present in Court. He, as always, very fairly submits that in the given circumstances, it would be expedient if respondent No.2 is directed to decide the appeal, at the earliest, and in any case on the date already fixed, i.e. 14.11.2023. And, in the meanwhile, *status quo*, as it exists today, be ordered to be maintained.

4. In the wake of the statements made by learned counsel for the parties, the petition is accordingly disposed of with a direction to respondent No.2 to decide the appeal filed by the petitioners, on the date already fixed. And, if for any reason, it is not viable for the Appellate Authority to decide the matter on 14.11.2023, the same shall be disposed of within a week thereafter i.e. by 21.11.2023.

5. In the meanwhile, as submitted by learned State Counsel, parties shall maintain *status quo* as it exists today till 14.11.2023. Whereafter, if necessary, it would be open to the petitioners to press their prayer for interim relief in the appeal itself and the appropriate authorities to pass orders thereon in accordance with law.

(ARUN PALLI)
JUDGE

31.10.2023
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(VIKRAM AGGARWAL)
JUDGE

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