

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-24509-2023

Date of Decision: October 26, 2023

Gurmeet and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH
HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gautam Diwan, Advocate, for the petitioners.

Mr. Surender Singh Pannu, Addl. AG, Haryana,
for respondent Nos. 1 to 5.

SANJAY VASHISTH, J.

1. Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of direction to respondent No. 2 – Commissioner, Karnal Division, Karnal, to decide the application for interim stay, which has been filed alongwith main revision petition against order dated 29.08.2023 (Annexure P-4), passed by respondent No. 3 in Appeal No. 02/2022/A dated 07.01.2022.

2. Learned counsel for the petitioners submits that application for eviction, under Section 7(2) of the Punjab Village Common Land Regulation Act, 1961 (for brevity, 'the 1961 Act'), filed by respondent No. 6 – Sukhwant Singh, was allowed *ex parte*, by Assistant Collector Ist Class, Guhla, vide order dated 15.12.2021

(Annexure P-2), and thereafter appeal filed before respondent No. 3 – Collector, Kaithal, was dismissed vide order dated 29.08.2023 (Annexure P-4).

3. Assailing the order dated 29.08.2023, revision petition (Annexure P-6), under Section 13(b)(2) of the 1961 Act, titled as ‘Gurmeet and others v. Block Development & Panchayat Officer Guhla and another’, has been filed before respondent No. 2 – Commissioner, Karnal Division, Karnal, by the present petitioners, alongwith an application for stay (Annexure P-5).

4. Learned counsel for the petitioners submits that proceedings in the said revision petition are fixed for 16.11.2023. Learned counsel also points out that one application filed for preponement of the proceedings, is also listed for 31.10.2023. Counsel further submits that petitioners would be satisfied, if present writ petition is disposed of by issuing an appropriate direction to respondent No. 2 to decide the stay application pending before it.

5. Notice of motion.

6. On advance notice, Mr. Surender Singh Pannu, Additional Advocate General, Haryana, has put in appearance and accepts notice on behalf of respondent Nos. 1 to 5. He has raised no objection to the prayer made by learned counsel for the petitioners.

7. Having heard learned counsel for the parties and considering the prayer made, this petition is disposed of with a

direction to respondent No. 2 – Commissioner, Karnal Division, Karnal, to decide the application for interim stay (Annexure P-5), which has been filed by the petitioners alongwith revision petition (Annexure P-6), at the earliest, preferably within four weeks from today. Till the time application for stay is decided by respondent No. 2, status quo regarding possession shall be maintained.

8. However, it is clarified that any observation made by this Court today, shall not be construed as an expression or opinion on the merits of the case pending before the Commissioner, Karnal Division, Karnal,, and it would be expected that respondent No. 2 would decide the stay application on the basis of material placed before it.

9. Writ petition stands disposed of in the above terms.

(SANJAY VASHISTH)
JUDGE

(KULDEEP TIWARI)
JUDGE

October 26, 2023

Pkapoor

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO