

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.25160 of 2023
Date of decision : 08.11.2023

Manjit Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Suresh Kumar Arya, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed for directing respondent No.2 to decide the interim application for stay during the pendency of the main appeal against the order dated 01.03.2023 (Annexure P-2) passed in Application case No.ASR/DDPO/EVP/2022/000924 dated 01.10.2022 (Annexure P-1) by respondent No.2. Further prayer has been made for directing the respondents not to take any coercive action of dispossessing the petitioner during the pendency of the appeal from the land under possession of the petitioner and occupation upon the illegal direction dated 25.10.2023 (Annexure P-6) issued by respondent No.5 in furtherance of order dated 01.03.2023 (Annexure P-2) passed by respondent No.3 and for staying the order dated 01.03.2023 (Annexure P-2) and direction dated 25.10.2023 (Annexure P-6) in view of judgment dated 30.09.1996 passed

by this Court in CWP No.5088 of 1996 in “Hakumat Rai Baluja vs. Chandigarh Administration, Chandigarh and others”.

Learned counsel for the petitioner *inter alia* contends that the petitioner has already filed his appeal along with the stay application, which is pending adjudication before respondent No.2. He submits that the case was listed on 01.11.2023 and though the delay was condoned in filing the appeal, however the stay application is not decided. He submits that case has been adjourned for further hearing for 03.01.2024. He submits that warrants of possession have already been issued on 25.10.2023 and the respondents can take possession any time from the petitioner. He submits that if the possession of the property is taken from the petitioner without hearing the stay application, he would suffer an irreparable loss.

Notice of motion.

On asking of the Court, Ms. Akshita Chauhan, DAG, Punjab appears and accepts notice on behalf of the respondents.

After hearing learned counsel for the parties and perusing the record, it is apparent that warrants of possession have already been issued on 25.10.2023. As submitted by learned counsel for the petitioner that warrants of possession have been issued. Copy of which is attached with this petition as Annexure P-6. He submits that the appeal along with stay application is fixed for hearing on 03.01.2024.

In view of the above position, the present petition stands disposed of with a direction to respondent No.2-the Joint Commissioner, SAS Nagar, Mohali, Punjab to hear the stay application filed along with

the appeal by the petitioner and decide the same in accordance with law expeditiously.

As it is specifically stated by learned counsel for the petitioner before this Court that warrants of possession have already been issued, parties are directed to maintain status quo till 03.01.2024.

(RAJESH BHARDWAJ)
JUDGE

08.11.2023

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