

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-26330-2023

Date of Decision : 22.11.2023

Ravi Dutt (deceased) through his LR

....Petitioner

VERSUS

State of Punjab and Others

....Respondents

**CORAM : HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. A.P.Kaushal, Advocate for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab.

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SURESHWAR THAKUR, J. (Oral)

1. The present petitioner instituted as declaratory suit before the Learned Collector concerned. On the said declaratory suit, a declining verdict (Annexure P-1) became rendered. The appeal against Annexure P-1 has been raised before the learned Appellate Authority concerned. In the said appeal, an application has been filed claiming relief, that during the pendency of the said appeal, the operation of Annexure P-1 be stayed. However, no decision on the said application has been made yet.

2. During the pendency of the declaratory suit, the Gram Panchayat concerned, instituted the petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, whereby it claimed the making of a decree of eviction against the present petitioner, from the disputed lands. As revealed by Annexure P-8, an affirmative verdict has

been rendered thereons. However, it is stated at the Bar today by the learned counsel for the petitioner, that an appeal thereagainst will be raised before the Appellate Authority concerned.

3. Since, no decision has been made, thus by the Appellate Authority concerned, on the application of claiming relief for staying the operation of Annexure P-1, , besides when a challenge is made to Annexure P-8, yet, the learned Assistant Collector concerned, rather has issued the impugned warrants of possession (Annexure P-9).

4. Learned counsel for the petitioner argues, that if the said warrants of possession are permitted to be executed, besides if ultimately the present petitioner succeeds in the relevant motion, as became laid before the Appellate Authority concerned, thereupon to obviate multiplicity of litigation, as may become aroused from the successful petitioner, becoming led to seek the restitution of possession of the disputed land, rather from the Gram Panchayat concerned.

5. Therefore, in view of the above, this Court directs the Appellate Authority concerned to, in accordance with law, pass a speaking decision on the application for interim relief, wherein, the petitioner had asked for staying the operation of Annexure P-2. The said decision be arrived after hearing all the affected concerned, but within a period of two weeks from today. Till the making of the said decision, this Court deems it fit and appropriate, to stay the operation of the impugned warrants of possession (Annexure P-9). Ordered accordingly.

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- 6. The present petition is, accordingly disposed of.
- 7. Pending applications, if any, also stand disposed off.

(SURESHWAR THAKUR)
JUDGE

November 22, 2023
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(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No