

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

108

CWP-26864 of 2023

Date of Decision:01.12.2023

PAWAN KUMAR

....Petitioner

Versus

STATE OF PUNJAB & ORS

.....Respondents

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

Present: Mr. Ashish Pal Kaushal, Advocate,
for the petitioner.

Mr. Maninder Singh, DAG, Punjab

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 (Annexue 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 11 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. However, it is stated at the Bar today by the learned counsel for the petitioner, that an appeal thereagainst has been 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, 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-1. 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.

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

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

December 01, 2023

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Whether speaking : Yes/No

Whether reportable : Yes/No