

In the High Court of Punjab and Haryana at Chandigarh

(115)

**CWP No. 27330 of 2023
Date of Decision: 05.12.2023**

Sunil Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Vikram Singh, Advocate
for the petitioner.

SURESHWAR THAKUR, J. (ORAL)

1. By filing the present writ petition under Articles 226/227 of the Constitution of India, the petitioner has shown an apprehension of dispossession, on the strength of an order dated 6.10.2023 (Annexure P-1) passed by the learned Assistant Collector Ist Grade, Kurukshetra, in a petition cast under the relevant provisions of the Punjab Village Common Lands (Regulation) Act, 1961 (as applicable to Haryana), whereby an order has been passed to vest the land in the Gram Panchayat concerned.

2. Learned counsel for the petitioner submits, that he has filed a statutory appeal before the Appellate Authority concerned, against the order dated 6.10.2023 (Annexure P-1) and the same is pending before the learned Collector concerned. He further submits that an application for interim relief has also been preferred alongwith the statutory appeal. In case the petitioner is dis-possessed from the disputed land, the whole purpose of filing the statutory appeal would be rendered infructuous.

3. Notice of motion to respondents No. 1 to 4 only at this stage.

4. Mr. Ankur Mittal, Addl. A.G., Haryana with Mr. Saurabh

Mago, DAG, Haryana, accepts notice on behalf of respondents No. 1 to 4 and has not disputed the factum of filing the apposite appeal. They very fairly submit that as of today, the parties may be directed to maintain status-quo during the pendency of the appeal and respondent No. 2-Collector Kurukshetra, District Kurukshetra be directed to decide the pending appeal in a time bound manner.

5. Since the matter is pending before the statutory Appellate Authority, therefore, it would not be appropriate for this Court to express any opinion on the merits of the case.

6. Considering the above factual aspects, it would be appropriate to issue a direction to the statutory Appellate Authority concerned to, by passing a speaking order, decide the statutory appeal within a period of two months from the date of receipt of a certified copy of this order, but after affording an adequate opportunity of hearing to all the concerned.

7. Disposed of accordingly.

8. In the meanwhile, till a decision is made on the stay application by the learned Appellate Authority concerned, thereupto the parties are directed to maintain status quo only in respect of the petition lands.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

December 05, 2023
Gurpreet

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