

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-37697-2019

Date of Decision : January 31, 2023

HARBHAJAN SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Rakesh Kumar, Advocate
for the petitioner.

Mr. Maninder Singh, Sr. DAG, Punjab.

Mr. Ajay Kumar Chaudhary, Advocate for
Mr. Siddharth Sharma, Advocate
for the respondent No.5.

SURESHWAR THAKUR, J.(ORAL)

1. The petitioner suffered a verdict of eviction, through an order drawn on 21.08.2018, by the learned Collector concerned, upon the Gram Panchayat's petition, instituted under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, (hereinafter referred to as the 'Act' for short). The above made order has been appealed before the competent statutory authority, however, it is stated at the bar by the learned counsel for the petitioner that the said appeal is yet subjudice before the statutory authority concerned.

2. What brings grievance to the petitioner, is that, despite the petitioner instituting within the statutory appeal, an application claiming stay of the impugned verdict of eviction, as became drawn against him, by the learned Collector concerned, yet, no decision thereon yet being made by the statutory authority concerned.

3. If so, the prayer made in the application, for a direction being made on the co-respondent No.2, to decide the said application for restraining the authorities concerned to enforce the decree, appealed against by the petitioner, before the statutory authority concerned, can be passed by this Court. In consequence, the writ petition is **allowed**, and, the co-respondent No.2 is directed to, within three weeks from today, make an expeditious decision, in accordance with law, upon the interim application seeking the stay of execution of the eviction order, as passed against the petitioner, in respect of the writ land(s).

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

January 31, 2023
devinder

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No