

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

CWP-1120-2024
Date of Decision : 18.01.2024

SHIV CHAND AND OTHERSPetitioners

Versus

STATE OF PUNJAB AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present : Mr. Sandeep Kumar, Advocate
for the petitioners.

Mr. Maninder Singh, DAG, Punjab.

SURESHWAR THAKUR, J. (Oral)

1. By filing the instant writ petition under Articles 226/227 of the Constitution of India, the petitioners herein, have shown an apprehension of theirs being dis-posessed from the disputed land, rather on the strength of an order passed on 14.11.2023 (Annexure P-14), thus by the learned District Development and Panchayat Officer-cum-Collector Roopnagar, in a petition cast under Section 4, 5 and 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973, whereby the petitioner(s), respondent(s) therein, were found to be in unauthorized possession of the petition lands, therefore, orders of eviction were made against them, by the authority concerned.

2. Learned counsel for the petitioner(s) submits, that the petitioner(s) herein have filed statutory appeal (Annexure P-15), before the Appellate Authority concerned, against the eviction order (supra), and the same is pending before the learned Appellate Authority concerned. In case the petitioner(s) are dis-posessed from the disputed lands, the whole

purpose for filing the statutory appeal would be rendered infructuous.

3. He further submits that application for interim relief has also been preferred alongwith the appeal (supra) and respondent No. 2 be directed to decide the said application and till that time the operation of the impugned order dated 14.11.2023 (Annexure P-14) be stayed.
4. Notice of motion to respondents No. 1 to 3 only at this stage. Mr. Maninder Singh, DAG, Punjab accepts notice on behalf of respondents No. 1 to 3 and has not disputed the factum of filing the appeal. He very fairly submits that as of today, the parties may be directed to maintain status-quo during the pendency of the appeal and respondent No.2-Joint Development Commissioner (Exercising the powers of Commissioner), Punjab, SAS Nagar, Mohali, 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 to decide the statutory appeal within a period of three months from the date of receipt of a certified copy of this order, after affording due opportunity of hearing to all the concerned, by passing a speaking order. Disposed of accordingly.
7. In the meanwhile, the parties are directed to maintain status-quo regarding possession till the decision is made upon the statutory appeal by the learned Appellate Authority.

(SURESHWAR THAKUR)
JUDGE

(SUKHVINDER KAUR)
JUDGE

18.01.2024

kavneet singh

KAVNEET SINGH
2024.01.19 14:11
I attest to the accuracy and
authenticity of this order/judgment

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