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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5527-2024
Date of decision:07.03.2024

TARSEM SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE RITU TAGORE

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

SURESHWAR THAKUR, J. (ORAL)

1. A statutory appeal bearing No.133/2024 is *subjudice* before the Competent Appellate Authority concerned. The said statutory appeal is directed against the verdict drawn by the learned DDPO-cum-Collector, Hoshiarpur, as enclosed in Annexure P-2, on a petition cast under Section 7 (2) of The Punjab Village Common Lands (Regulation) Act, 1961. During the pendency of the above statutory appeal, an application for staying the operation of Annexure P-1 was instituted, but the same has also not been decided yet. Pursuant to Annexure P-1 warrants of possession have been issued, which ARE embodied in Annexure P-6, and, notice dated 02.02.2024 has also been issued to the petitioner, thus to vacate the disputed land.
2. Learned counsel for the petitioner submits, that in case the petitioner is yet dis-possessed from the disputed land, thereupon 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. Maninder Singh, Sr. DAG, Punjab accepts notice on behalf of respondents No. 1 to 4 and has not disputed the factum of filing of the apposite appeal against the passing of the impugned order of eviction as well as of filing of application for staying the operation of the order of eviction. 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-Director concerned, 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, by passing a speaking order, decide the statutory appeal within a period of three 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, the parties are directed to maintain *status-quo* regarding possession. However, the said *status-quo* shall be subject to a decision being made, on the stay application, as, pending before the learned Appellate Authority concerned.

(SURESHWAR THAKUR)
JUDGE

07.03.2024

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(RITU TAGORE)
JUDGE

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