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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6486-2024

Date of decision: 18.03.2024

BALDEV SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Kuljit Singh Bal, Advocate
for the petitioner.

Mr. Maninder Singh, Sr. DAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. By filing the present writ petition under Article 226 of the Constitution of India, the petitioner seeks the quashing of the impugned order dated 12.02.2024 (Annexure P-10), passed by respondent No.2, besides seeks quashing of the impugned order dated 20.12.2023 (Annexure P-9), passed by respondent No.3.
2. Learned counsel for the petitioner submits, that during the pendency of the proceedings cast under Section 11 of The Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as “the Act”), the Collector concerned, on 17.05.2023 granted an order of *status quo*, in favour of the petitioner. Through an order made on 20.12.2023, the learned Collector concerned, vacated the stay order, which was granted in favour of the petitioner. Aggrieved therefrom he preferred an appeal bearing No.74 of 2024, before the learned Commissioner concerned. Through an order made on 12.02.2024, the

learned Commissioner concerned, dismissed the said appeal. In case the petitioner is yet dis-possessed from the disputed land, the whole purpose of filing the suit 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 pendency of the suit cast under Section 11 of the Act. He very fairly submits that as of today, the parties may be again directed to maintain *status-quo* during the pendency of the suit and respondent No.3-Collector concerned, be directed to decide the pending suit in a time bound manner.
5. Since the matter is pending before the competent 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 competent Authority to, by passing a speaking order, decide the suit (Annexure P-2) 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. In consequence, the impugned orders (Annexures P-9 and P-10) are quashed, and, set aside, and, the parties are directed to maintain *status-quo* regarding possession.
8. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

18.03.2024

Ithlesh

Whether speaking/reasoned:- Yes/No

Whether reportable: Yes/No

ITHLESH KUMAR
2024.03.19 16:11
I attest to the accuracy and
authenticity of this order/judgment

(LALIT BATRA)
JUDGE