

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

CWP-8340-2024

Date of decision: 23.04.2024

Ajay Kumar and others

.....Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rakesh Kumar, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for directing respondent No.2 to decide and pass the appropriate order in application for stay which has been filed in the appeal bearing No.000142 of 2024 pending before respondent No.2 but no order has been passed and the matter has been adjourned for 29.05.2024 for further proceedings in the said appeal in which the petitioners have challenged the order dated 14.11.2023 (Annexure P-10) passed by respondent No.3 in the abovesaid impugned order, the direction has been issued to remove the idols from the temple and remove the structure which is existing since long and the worship place of the village and adjoining villages. Further prayer has been made for staying the operation of the order dated 14.11.2023 (Annexure P-10) during the pendency of the present petition.

It has been submitted by counsel for the petitioners that the appeal filed by the petitioners is pending adjudication before respondent No.6 along with the stay application. He submits that the appeal is now pending for 29.05.2024. However, before the appeal could be taken up, the warrants of possession were already issued by the respondents and the petitioners would be evicted before his appeal could be decided. He submits that if the petitioners are evicted, the appeal would automatically become infructuous.

On oral request of learned counsel for the petitioner, the Joint Development Commissioner exercising the power of Commissioner, Punjab is

impleaded as respondent No.6 in the present petition. Amended memo of parties has been filed in the Court.

Notice of motion.

On asking of the Court, Mr. Rajeev K. Takkar, DAG, Punjab accepts notice on behalf of the State. Mr. Nakul Sharma, Advocate accepts notice on behalf of respondent No.5. He has submitted that the petitioners have filed an appeal with the delay of more than two months and notice has been issued in the same. He submits that the respondent No.6-Gram Panchayat is the owner of the property and the petitioners are the encroachers.

Heard. On hearing counsel for the parties and perusing the record, it is apparent that the appeal filed by the petitioners is pending adjudication before respondent No.6 which is fixed for 29.05.2024 along with the stay application. It is further evident that the warrants of possession have already been issued for dispossessing the petitioners. In these circumstances, the case needs to be preponed and hence, the present petition is disposed of with liberty to the petitioners to file an application for preponing the date of appeal, which is fixed for 29.05.2024, before respondent No.6, within seven days from today. If any such application is filed then respondent No.6 would prepone the date of hearing to some early date and take up the appeal along with stay application and hear the arguments of parties on the stay application and decide the same expeditiously as per law. The parties are directed to maintain *status quo* till the decision of stay application.

23.04.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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