

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116 CWP-9305-2024
Date of Decision: 25.04.2024

Padamchand and othersPetitioners

Versus

State of Haryana and othersRespondents

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

Present: Mr. Ashish Gupta, Advocate and
Mr. Divyam Singh, Advocate
for the petitioners.

Mr. Saurabh Mago, Deputy Advocate General, Haryana.

Sureshwar Thakur, J. (Oral)

1. The present petitioners after suffering the verdict of eviction of Annexure P/1, thus from the Court of the Assistant Collector–cum–SDM, Punhana, District Nuh, were led to institute an appeal thereagainst before the appellate authority. The said appeal (Annexure P/2), is stated to be sub judice before the appellate authority, but an application as filed within the said appeal thus for relief of staying the operation of Annexure P/1, is stated, to be not yet adjudicated. Therefore, the petitioners pray that a mandamus be passed upon the appellate authority, to lawfully consider the said application, and also to promptly pass a lawful order thereons.

2. The said made prayer is not opposed by the learned Deputy Advocate General, Haryana. Consequently, the writ petition is allowed and the appellate authority is directed to, within a period of two weeks from today, make a lawful speaking decision on the application filed within the statutory appeal, thus asking for relief for staying the operation of Annexure P/1. Till the said application is decided, thereupto the parties are directed to maintain status quo in respect of the disputed shops.

3. Moreover, the appellate authority concerned, is also directed to within a period of three months from today, make a lawful decision, upon, the statutory appeal (Annexure P/2), but after hearing all the affected persons concerned.

4. Disposed of accordingly along with all pending applications, if any.

(SURESHWAR THAKUR)
JUDGE

25.04.2024

Varinder Prashad

(LALIT BATRA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No