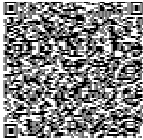


CWP-15552-2024

2024:PHHC:085293-DB



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CWP-15552-2024
Date of Decision: July 10, 2024

Amro Devi (Deceased) through LRs Petitioner

Versus

State of Punjab and others Respondents

2. CWP-15566-2024

Daulat Singh Petitioner

Versus

State of Punjab and others Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. A.P. Kaushal, Advocate for the petitioner(s).

Mr. R.S. Pandher, Sr. DAG, Punjab.

LISA GILL, J.

1. This order shall dispose of CWP-15552-2024 and CWP-15566-2024.
2. Prayer in these writ petitions is for directing respondent No. 2 to decide appeal No. 170 of 2024 (in CWP-15552-2024) and appeal No. 172 of 2024 (in CWP-15566-2024). It is stated that application(s) seeking interim relief have also been filed alongwith appeal challenging order dated 18.01.2024.

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3. Learned counsel for petitioner submits that petition under Section 11 of The Punjab Village Common Lands (Regulation) Act, 1961 (for short – ‘the Act’) was filed by petitioner and proforma respondents, which was accepted by District Development Panchayat Officer-cum-Collector, Rupnagar vide order dated 25.09.1987. Appeal filed by Gram Panchayat was also dismissed vide order dated 03.07.1998. CWP-17075-1998 was filed by Gram Panchayat, which was partly allowed vide order dated 13.10.2014 whereby matter was remanded to Collector, Rupnagar to decide the matter afresh. Pursuant thereto, DDPO-cum-Collector vide order dated 18.01.2024 dismissed the petition under Section 11 of the Act filed by petitioner and proforma respondents. Aggrieved therefrom, appeal No. 170 of 2024 (in CWP-15552-2024) and appeal No. 172 of 2024 (in CWP-15566-2024) were filed alongwith application(s) for interim relief.

4. Notice was issued in the appeal(s) and the matter is listed for hearing before concerned Officer on 21.08.2024. In the meanwhile, steps are being taken for sanction of mutation of land in question in favour of Gram Panchayat and thereafter necessarily take possession of land in question as well. It is submitted that grave prejudice will be caused to petitioners in case said action is taken without even deciding petitioners’ appeal(s) or at least application(s) seeking interim relief.

5. Learned counsel for State (on advance notice) at this stage, informs that concerned Officer is on training till 18.07.2024 and the matter can be heard thereafter only.

6. Keeping in view the facts and circumstances as above, it is directed that appeal and in any case the application seeking interim relief be taken up by

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the concerned Officer on 21.08.2024 and be decided on the said date in accordance with law and if for some reason not possible on said date, then positively within the next ten working days.

7. Till said date, status quo, as on today, be maintained by the parties. It is clarified that interim order so granted today shall not enure beyond 21.08.2024 (or ten days thereafter as the case may be) in the absence of specific order being passed by the competent authority.
8. Writ petitions are disposed of accordingly.
9. There is no expression of opinion on the merits of matter, which shall be considered by the competent authority in accordance with law.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

July 10, 2024
rts

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