



CWP-16377-2024

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

CWP-16377-2024

Date of Decision: 18.07.2024

Harjang Singh

....Petitioner

Versus

Joint Development Commissioner and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Sherry K. Singla, Advocate
for the petitioner.

HARSH BUNGER, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of writ in the nature of mandamus for directing respondent No.1 (Joint Development Commissioner, Punjab) to consider and decide the stay application filed by the petitioner along with his Appeal bearing No.350 of 2024 (Annexure P-2), wherein, petitioner has challenged an eviction order dated 18.06.2024 (Annexure P-1) passed against him.

1.1 A further prayer has been made on behalf of the petitioner that till the time, the aforesaid stay application is decided by the concerned Appellate Authority, his dispossession from the land in question be stayed.

2. Learned counsel for the petitioner submits that eviction order dated 18.06.2024 (Annexure P-1) came to be passed against him by the

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learned Collector-cum-District Development and Panchayat Officer, Patiala (DDPO); which has been challenged by him by filing an appeal bearing No. 350 of 2024 before respondent No.1 (Joint Development Commissioner, Punjab), wherein, the petitioner was given the date of hearing as 03.07.2024, however, on the said date, the concerned Officer did not hold the Court and the matter was adjourned to 17.07.2024. It is next submitted that even on 17.07.2024 also, the Court was not held by the concerned Appellate Authority and presently the matter is fixed for 18.09.2024.

2.1 Learned counsel for the petitioner further submits that respondent No.3 (Gram Panchayat, Village Bahadurgarh) is proceeding to execute the aforesaid eviction order (Annexure P-1) and warrants of possession have already been issued. Learned counsel for the petitioner refers to Annexure P-3, wherein it has been stated that the warrants of possession are to be executed on 15.07.2024. It is the contention of the petitioner that till date, the aforesaid warrants have not been executed at the spot, accordingly, he submits that appropriate directions may be issued to the concerned Appellate Authority to decide the stay application filed by the petitioner along with the aforesaid appeal in a time bound manner and in the meanwhile, the dispossession of the petitioner from the land in question may be stayed.

3. Given the nature of order being passed, there is no necessity to issue notice to respondent No.3 as no further proceedings and/or pleadings are required.

4. Notice of motion only to respondents No.1 and 2. On the asking of the Court, Mr. Navneet Singh, Sr. D.A.G., Punjab, who is present in the Court accepts notice on behalf of respondents No.1 and 2 and does not

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dispute the fact that the appeal filed by the petitioner was listed on the aforesaid dates and presently the matter is fixed for 18.09.2024. Learned State counsel further submits that on the date fixed, the stay application filed by the petitioner along with the aforesaid appeal, would be considered and decided by the Appellate Authority and in any case not later than one month thereafter.

5. In view of the aforesaid facts and circumstances, the instant petition is disposed of with direction to respondent No.1 to consider and decide the stay application filed by the petitioner along with the aforesaid appeal on the date fixed i.e. 18.09.2024, and in any case, within one month thereafter, after giving due opportunity of hearing to the petitioner, by passing a speaking order. It is further directed that till the abovesaid stay application is decided by the Appellate Authority, status quo regarding possession (as existing today) shall be maintained by the parties.

6. It is made clear that the Appellate Authority shall consider and decide the aforesaid stay application/appeal on its own merits and without being influenced by anything stated above, in this order.

7. The petition is disposed of, accordingly.

8. All pending application(s), if any, shall also stand closed.

18.07.2024*Himani***(HARSH BUNGER)
JUDGE**

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