

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:104330-DB



(116)

CWP-19627-2024
Decided on :13.08.2024

Shiv Kumar and others

.....Appellant(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Rose Gupta, Advocate &
Ms. Garima Modi, Advocate for the petitioner (s).

G.S. Sandhawalia, J.(Oral)

The innocuous prayer in the present writ petition filed under Articles 226/227 of the Constitution of India has been made to decide the appeals which are stated to be pending before respondent No.3-Commissioner, Hisar, against the ejectment order dated 15.02.2024 and 26.02.2024 (Annexure P-1).

2. It is the case of the writ petitioners that the ejectment orders were passed under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961. It is further the case of the petitioners that they were proceeded *ex parte* before the District Development & Panchayat Officer-cum-Assistant Collector 1st Grade, Hisar and appeals are now pending alongwith application for condonation of delay. It is submitted that neither any order has been passed on the application for condonation of delay nor on the stay application and, therefore, they apprehend dispossession, since notice has been issued on 11.06.2024(Annexure P-2), on account of the ejectment having been passed in three separate cases pertaining to the petitioners.

3. Notice of motion to respondent Nos.1 & 3 only.
4. Mr. Ankur Mittal, Addl. AG, Haryana accepts notice on behalf of the said respondents and submits that matter is now pending before the District Collector, Hisar. Accordingly, on the oral request made by Mr. Mittal, District Collector, Hisar is impleaded as respondent No.4. Office to make necessary correction in the memo of parties.
5. Since the appeals are now pending for 16.08.2024, we dispose of the present writ petition by protecting the petitioners from dispossession for a period of 4 weeks from today. We expect that the District Collector, Hisar will either pass orders on the stay application or decide the appeals within a period of 4 weeks. We do not issue notice to respondent No.2-Gram Panchayat, in view of the peculiar facts and circumstances and to avoid unnecessary expenditure and delay of the proceedings pending before the District Collector.
6. Disposed of.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

13.08.2024
Naveen

Whether speaking/reasoned : Yes

Whether Reportable : No