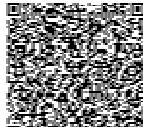


2024:PHHC:113151-DB



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

(107)

CWP-21530-2024

Decided on : 31.08.2024

Balvir Singh

.....Petitioner(s)

Versus

State of Punjab & others

.....Respondent(s)

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

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

G.S. Sandhawalia, J.(Oral)

1. The innocuous prayer made in the present writ petition, filed under Article 226/227 of the Constitution of India, is for directing respondent No.2 to decide appeal No.392 of 2024 filed against the order of eviction dated 04.07.2024 (Annexure P-1) passed by the District Development & Panchayat Officer-cum-Collector, Panchayat Lands, Kapurthala. Apart from the order of eviction, petitioner has also been asked to deposit a sum of Rs.10 lakhs as damages for the use of Panchayat land.

2. Counsel has submitted that that appeal was taken up for hearing on 16.08.2024 and now it is pending for 20.09.2024, calling for the record from the Collector. In the meantime, warrants of possession were sought to be executed regarding the vacation order and for recovery of amount of Rs.10 lakhs, as directed by the Collector. In such circumstances, petitioner has approached this Court. The defence which has been raised before the Collector was that the Punjab Wakf Board had given the land on lease to the petitioner for the year 2021-22 to 2023-24 and the lease had expired on 28.06.2024.

3. It is thus the contention of counsel that the lease has further been extended till the year 2027, while referring to Annexure P-9. It is further pointed out that the Punjab Wakf Board has also filed a suit for declaration before the Punjab Wakf Tribunal for the ownership of the land in question of over 86 kanals situated at Village Mallian, Tehsil & District Kapurthala, Hadbast No.117, Tehsil & District Kapurthala.

4. Notice of motion.

5. Mr.Shekhar Verma, Addl.A.G., Punjab accepts notice on behalf of respondents No.1 to 4.

6. Keeping in view the limited prayer made, we do not issue notice to respondent No.5, for the time being, as it would only delay the proceedings and also avoid expenses for the said Gram Panchayat.

7. Resultantly, we dispose of the present writ petition, with direction to decide the appeal on merits, on the date fixed or within 2 months from the receipt of certified copy of this order. Needless to say that all the observations made herein are only for the purposes of granting interim relief and the Lower Appellate Authority shall consider the case on merits, keeping in view the arguments raised before it and the record perused. In the meantime, no coercive steps shall also be taken for recovery of the amount and the petitioner shall be entitled to cultivate the land and be not dispossessed till the final decision of the appeal.

(G.S. SANDHAWALIA)
JUDGE

31.08.2024
Sailesh

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned : Yes
Whether Reportable : No