



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.22118 of 2024
Date of Decision: 05.09.2024

Dhanwant Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Divyam Singh, Advocate for
 Mr. Sandeep Kumar, Advocate
 for the petitioner.

Ms. Arundhati Kulshreshtha, AAG, Punjab.

G.S. Sandhawalia, J.(Oral)

The challenge in the present writ petition is to the order passed by respondent No.2-Joint Development Commissioner, exercising the powers of Commissioner, Punjab, S.A.S. Nagar (Mohali) on 14.08.2024 (Annexure P-6), whereby while adjourning the appeal under Section 7(2) of the Punjab Village Common Land (Regulation) Act, 1961, to 23.10.2024 by granting last opportunity to file written arguments before the next date of hearing, the status-quo order was vacated.

2. The sole argument put-forth is that there is an eviction order dated 03.03.2023, which is subject matter of challenge, passed by the Collector (Panchayat Land), DDPO, Patiala, wherein the directions have been issued for eviction from the land in dispute and the Gram Panchayat has been directed to take possession of the land and if the interim protection is not continued till the pendency of the appeal, it would render the appeal infructuous.



3. On the other hand, learned State counsel submits that the status-quo was granted on the condition that the fresh demarcation was to be done and the report was to be given in the Court, which has been conducted and the same is adverse to the interest of the petitioner. In such circumstances, the Appellate Authority has rightly chosen to vacate the stay.

4. Be that as it may, since the appeal is still pending and is listed for 23.10.2024, it would not be appropriate and would lead to mis-carriage of justice, if the present petitioner is dispossessed till the pendency of the appeal as we cannot pre-suppose the order which is to be passed in the appeal and in case, the appeal is allowed, further complications would arise.

5. In such circumstances, we set-aside the order passed by respondent No.2-Joint Development Commissioner, exercising the powers of Commissioner, Punjab S.A.S. Nagar (Mohali) dated 14.08.2024 (Annexure P-6) and direct that the stay will continue till the next date of hearing in the appeal, i.e 23.10.2024. Respondent No.2 is also requested to decide the appeal on the said date in the peculiar facts and circumstances of the case. We do not issue the notice to respondent No.4-Gram Panchayat as it would only delay the proceedings and also to avoid the expenses that may be incurred by the said respondent.

6. Resultantly, the present writ petition is allowed accordingly.

(G.S. SANDHAWALIA)
JUDGE

05.09.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No