



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

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CR-5229-2024 (O&M)
Date of Decision: 10.09.2024

Ramesh Kumar Koundal

....Petitioner

Versus

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Mohit Jaggi, Advocate
for the petitioner.

VIKAS SURI, J. (Oral)

1. Prayer in this petition under Article 227 of the Constitution of India filed by petitioner-Ramesh Kumar Koundal is for the direction to the Appellate Authority under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, (for short, 'the PP Act'), to decide the stay application dated 01.07.2022 (Annexure P-12) in a time bound manner.

2. Learned counsel for the petitioner submits that for the limited relief sought in the present petition, the facts necessary to be noticed are that an order dated 29.04.2022 (Annexure P-8) under Section 5(1) of the PP Act was passed, to vacate the premises in question, described as Khasra No.60, Village Mauli Jagran, Chandigarh, within a period of 15 days from the publication of the said order. The petitioner preferred an appeal against the aforesaid order on 02.07.2022 along with an application for stay. Notice of

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appeal and the stay application was issued for 15.07.2022. Another similarly situated person, namely Manjit Singh, had preferred a separate appeal against the same order dated 29.04.2022, which was registered as MCA No.51/2022. While issuing notice in the said case, vide order dated 07.06.2022 (Annexure P-9), the parties were directed to maintain *status quo* regarding possession over the premises in question, i.e. Khasra No.60, Mauli Jagran, U.T. Chandigarh. It is further submitted that the said appeal is pending for arguments on 25.11.2024 and interim directions are continuing till date. The last order passed in the said appeal, dated 07.08.2024, has been appended with the present petition as Annexure P-10.

3. In the present case, the appeal preferred by petitioner-Ramesh Kumar Koundal was registered as MCA DJ/55/2022, in which respondents entered appearance on 15.07.2022 and sought time to file reply. The said appellate proceedings were deferred from time to time at the request of the respondents. It is further submitted that the appellate proceedings were further adjourned to 23.09.2024 at the request of the contesting respondents to file reply to the stay application. Thereafter, the Municipal Corporation, Chandigarh, issued notice dated 13.08.2024 (Annexure P-14) requiring all the occupants of the premises in question to vacate the same within 7 days. It is further submitted that since the admission of the appeal on 02.07.2022, this was the first notice issued pursuant to order dated 29.04.2022 (Annexure P-8), impugned before the Appellate Authority. The petitioner moved an application seeking preponement of the main case and stay of operation of the impugned order during the pendency of the appeal. Notice of the said application was



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issued for 21.08.2024. Till date, even reply to the said application has not been filed and contesting respondents have been seeking adjournments, one after the other.

4. Learned counsel for the petitioner, thus, prays that a direction be issued to the Appellate Authority to dispose of the stay application expeditiously, in a time bound manner and till the same is decided, impugned order dated 29.04.2022 (Annexure P-8) be not enforced against the petitioner.

5. On advance notice, Mr. Deepak Malhotra, Additional Standing Counsel and Mr. Parminder Singh Kanwar, Additional Standing Counsel, U.T. Chandigarh, have put in appearance on behalf of respondent Nos.2 and 3. It is submitted that respondent No.3 herein has already filed reply to the stay application as well as to the appeal, which has been noticed in order dated 08.05.2023. However, it is not denied and is apparent from the record that reply on behalf of other remaining respondents is yet to be filed.

6. Learned counsel for the parties are *ad idem* that reply to the stay application on behalf of contesting respondent No.4 would be necessary, which is still awaited, for proper adjudication of the same.

7. I have heard learned counsel for the parties and perused the paper-book with their able assistance.

8. It is not disputed that aggrieved by order dated 29.04.2022 (Annexure P-8), petitioner-Ramesh Kumar Koundal as well as one Manjit Singh had preferred separate appeals to the Appellate Authority under the PP Act. Both the said appeals are pending consideration. In the appeal preferred by Manjit Singh (MCA No.51/2022), the parties have been directed to



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maintain *status quo* vide order dated 07.06.2022 (Annexure P-9), which continued from time to time and is in operation till date. The said appeal is now pending for 25.11.2024.

9. In the present case, all the respondents had put in appearance on 15.07.2022 and had sought time to file reply to the stay application. It is not disputed that the said appeal is now pending consideration for 23.09.2024. A perusal of the material placed on record with this petition would show that the appeal preferred by the petitioner is being adjourned at the request of respondents, who have been repeatedly seeking time to file reply and numerous opportunities have also been granted to them for the said purpose. It is also not denied that no reply has been filed to the application seeking preponement, which application was filed after notice dated 13.08.2024 (Annexure P-14) was issued.

10. Having heard learned counsel for the parties and gone through the record, this Court is of the view that similarly situated persons should be treated equally and hence, the application seeking interim relief ought to have been decided expeditiously.

11. Keeping in view the submissions noticed above as well as the totality of circumstances and the settled law, but without going into the merits of the case or commenting thereupon, the present petition is disposed of with a direction to the Appellate Authority under the PP Act, which is seized of the appeal by the petitioner as well as that by Manjit Singh, to dispose of the application seeking stay of operation of order dated 29.04.2022 (Annexure P-8) passed by Sub Divisional Magistrate (East), exercising the powers of



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Estate Officer under PP Act, expeditiously and in any case, not later than four months from the date already fixed before it. Till such time, the aforesaid application is decided, *status quo* order dated 07.06.2022 (Annexure P-9) passed in the connected appeal, would be applicable in the case of petitioner as well. It is made clear that it would be open to the Appellate Authority to hear the main case as well, if the same has matured for final arguments and dispose of the same in accordance with law.

- 12. The revision petition is disposed of accordingly.
- 13. Pending applications, if any, also stand disposed of.

September 10, 2024
Varinder

(VIKAS SURJ)
JUDGE

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