

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

2024.PHHC.117805-DB



(125)

CWP-22819-2024

Decided on :09.09.2024

Arjun Singh and others

...Petitioner(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. Akshay Jindal, Advocate for the petitioner (s).

G.S. Sandhawalia, J.(Oral)

1. An innocuous prayer has been made in the present writ petition filed under Article 226/227 of the Constitution of India for grant of interim protection during the pendency of the appeal(Annexure P-4) before the District Magistrate, Palwal-respondent No.2, which has been preferred against the order dated 14.06.2024 (Annexure P-3) passed by the Assistant Collector 1st Grade, Hodal. The said eviction order was passed under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to the State of Haryana.

2. Counsel for the petitioner, while pointing from the zimni orders (Annexure P-6) passed in Case no.485/DC Sehnoli, submits that proceedings had been adjourned on two occasions on 30.07.2024 and 13.08.2024, on account of the fact that the Appellate Authority is busy with administrative works and now the matter is fixed for 17.09.2024. The same respondent No.2, however, on the other hand has already issued warrant of possession on 05.08.2024 (Annexure P-7) and it is, thus, submitted that neither the stay application filed alongwith the appeal has been considered and efforts are being made to make the appeal infructuous.

3. Notice of motion to respondent Nos.1 & 2 only.
4. Mr. Saurabh Mago, DAG, Haryana accepts notice on behalf of respondent Nos.1 & 2. Service upon respondent No.3 is dispensed with, as it would only cause delay in the proceedings, as conditional directions are being issued.
5. Resultantly, directions are issued to respondent No.2 to pass orders on the stay application or take up the appeal for final hearing and dispose of the same on 17.09.2024 or otherwise within two months. Till then the warrants of possession (Annexure P-7) shall not be executed. Needless to say that we are not commenting upon the merits of the case and it is open to the Appellate Authority to consider regarding extending the stay, if made out in the facts and circumstances.
6. With the aforesaid observations, present writ petition stands disposed of.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

09.09.2024
Naveen

Whether speaking/reasoned :	Yes
Whether Reportable :	No