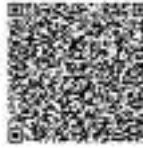


2024.PHHC.136372-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(107)

CWP-27885-2024
Decided on : 18.10.2024

Jasvir Singh @ Jasbir & others

.....Petitioner(s)

Versus

Joint Development Commissioner & others

.....Respondent(s)

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

Present: Mr.S.S.Salar, Advocate for the petitioner (s).

G.S. Sandhawalia, J.(Oral)

1. Prayer in the present writ petition, filed under Article 226/227 of the Constitution of India is for issuance of direction for deciding the application for stay during the pendency of Appeal No.457 of 2024 titled *Gurmeet Singh & others Vs. Gram Panchayat Dasaunda Singh Wala & others* pending before respondent No.1.

2. It is submitted that the said appeal is pending against the ejectment order dated 25.07.2024(Annexure P-2) passed by the District Development & Panchayat Officer, Malerkotla exercising the power of Collector. The said appeal(Annexure P-3) was filed along with an application for stay and the application filed under Order 41 Rule 27 CPC, for allowing to produce and prove the consolidation scheme. It is submitted that the Appellate Authority is not holding Court on regular basis due to which the necessity arose to approach this Court.

3. Keeping in view the above, we are of the considered opinion that respondent No.3-Gram Panchayat need not be called upon in the peculiar facts and circumstances of the case and accordingly, we issue notice of motion to the State Counsel, who has got advance copy of the petition.

4. Ms.Arundhati Kulshreshtha, AAG Punjab accepts notice on behalf of the State.

5. Accordingly, we dispose of the present writ petition with directions to respondent No.1-Appellate Authority, to take a call on the stay application on 06.11.2024, when the case is stated to be fixed. The necessary exercise be completed on the said day or within 2 weeks thereafter. The said respondent can also decide the appeal, if possible. Accordingly, the benefit of stay is granted till 06.11.2024. Liberty is granted to the respondent-Gram Panchayat to file appropriate application for clarification, if any. Needless to say that we have not commented upon the merits of the case, while disposing of the writ petition.

(G.S. SANDHAWALIA)
JUDGE

18.10.2024
sailesh

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No