

In the High Court of Punjab and Haryana at Chandigarh

(112)

CWP No. 45 of 2024 (O&M)
Date of Decision: 08.1.2024

Des Raj and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Saudager Singh, Advocate and
Mr. Gur Aadesh Singh, Advocate for the petitioners.

Mr. Maninder Singh, DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

CM-42-CWP-2024

For the good reasons mentioned in the application, the same is allowed, and, the learned counsel is granted exemption to file the present case without the number of roll of Advocate.

CWP No. 45 of 2024

1. An ex-parte verdict of eviction (Annexure P-9) was passed against the present petitioners by the Collector concerned, through his exercising powers under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961. The said annexure brought pain to the present petitioners, and, led them to institute thereagainst a statutory appeal before the appellate authority concerned.
2. The said statutory appeal became accompanied by an application thus seeking the stayings of the operation of Annexure P-9.
3. The learned State counsel submits, that the above statutory appeal is yet subjudice before the competent appellate authority concerned. He further submits, that though no order has been passed on the application for stay, yet warrants of possession, as became issued by the learned Executing Court concerned, have been successfully executed against the estates of the judgment debtors concerned.
4. Though, the learned counsel for the petitioners contests, the

above factum, but given the statement made by the learned State counsel, on instructions imparted to him by the authorized official concerned, this Court does not, at this stage, accept the said contest. The result of an efficacious, and, successful execution being made of the warrants of possession, at the instance of the Executing Court concerned, is that, thereby the application filed within the statutory appeal (supra), by the present petitioners seeking thus the staying of the operation of Annexure P-9 rather becomes rendered infructuous. In consequence, no relief in the above regard can be granted to the petitioners by this Court.

5. Be that as it may, since the statutory appeal is subjudice before the appellate authority concerned, thereupon, the competent authority is directed to, within two months from today, make a lawful speaking decision upon the said statutory appeal, but after hearing all the affected persons concerned. Moreover, if the decision on the said statutory appeal is favourable to the present petitioners, thereupon, the competent authority concerned, may proceed to also in accordance with law, direct the restoration of possession of the petition land(s) to the petitioners, especially when possession thereof, has been earlier assumed by the respondents concerned, in pursuance to successful execution of warrants of possession.

6. The petition stands disposed of.

(SURESHWAR THAKUR)
JUDGE

(LALIT BATRA)
JUDGE

January 08, 2024
Gurpreet

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