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

CWP-2271-2025
Date of decision:28.01.2025

NAVEEN GUPTA

...Petitioner

Versus

JOINT DEVELOPMENT COMMISSIONER AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Jatinder Singla, Advocate
for the petitioner.

Mr. Maninder Singh, Sr. DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1 By filing the present writ petition under Articles 226/227 of the Constitution of India, the petitioner has shown an apprehension of his being dispossessed from the disputed lands, thus on the strength of an order dated 25.01.2023, as, passed by the Collector concerned, in a petition cast under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, whereby the petitioner was found in unauthorized possession of the petition lands, thus resulting in a verdict of eviction being made against him, by the authority concerned.

2. Learned counsel for the petitioner submits, that he has filed a statutory appeal (Annexure P-9) before the Appellate Authority concerned, against the order dated 25.01.2023, and the same is pending before the learned Commissioner concerned. He further submits that a prayer for interim relief has also been made within the statutory appeal. The relief of stay has been declined by the learned Commissioner concerned, through the impugned order of

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16.01.2025, as embodied in Annexure P-12. In case the petitioner are yet dispossessed from the disputed land, the whole purpose of filing the statutory appeal would be rendered infructuous.

3. Notice of motion to respondents No.1, 2 and 4 only at this stage.

4. Mr. Maninder Singh, Sr. DAG, Punjab accepts notice on behalf of respondents No. 1, 2 and 4 and has not disputed the factum of filing of the apposite appeal against the passing of the impugned order of eviction. He very fairly submits that as of today, the parties may be directed to maintain *status-quo* during the pendency of the appeal and respondent No.1-Commissioner concerned, be directed to decide the pending appeal in a time bound manner.

5. Since the matter is pending before the statutory Appellate Authority, therefore, it would not be appropriate for this Court to express any opinion on the merits of the case.

6. Considering the above factual aspects, it would be appropriate to issue a direction to the statutory Appellate Authority to, by passing a speaking order, decide the statutory appeal within a period of three months from the date of receipt of a certified copy of this order, but after affording an adequate opportunity of hearing to all the concerned.

7. In consequence, the impugned order (Annexure P-12) is quashed, and, set aside, to the extent of declining the relief qua stay, and, the parties are directed to maintain *status-quo* regarding possession.

8. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

28.01.2025
mahima

(VIKAS SURI)
JUDGE

Whether speaking/reasoned:-
Whether reportable:

Yes/No
Yes/No