

2025:PHHC:119336



150

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

**CWP-25788-2025
Date of Decision: 03.09.2025**

Ajay Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Rakesh Kumar, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

Mr. V.K. Sandhir, Advocate
for respondent No.5.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, for issuance of a writ in the nature of Certiorari for setting aside letter/order dated 14.08.2025 (Annexure P-14), whereby the warrants of possession have been issued for implementing the eviction order dated 14.11.2023 (Annexure P-8) passed by the learned Collector (Panchayat Land)-cum-District Development and Panchayat Officer, Jalandhar.

2. Learned counsel for the petitioner submits that the appeal preferred by the petitioner against the impugned order dated 14.11.2023 (Annexure P-8) was dismissed for non-prosecution on 09.07.2025. It is

submitted that the petitioner has already moved an application seeking restoration of the said appeal, which is pending consideration, however, on the other hand, the Gram Panchayat is proceeding with the execution of the warrants of possession in order to implement the eviction order. It is further submitted that the application for restoration of the main appeal is listed for hearing on 10.09.2025 before the learned Joint Development Commissioner, Punjab. Accordingly, it is prayed that till the time the petitioner's application for restoration of the main appeal is decided, the execution of the warrants of possession may kindly be stayed.

3. At this stage, Mr. V.K. Sandhir, Advocate appears and files Memorandum of Appearance on behalf of respondent No.5, in pursuance of the advance copy of paper book having already been supplied to him. He submits that the petitioner is intentionally delaying the proceedings so as to prolong his unauthorized possession. He further submits that since the petitioner's application seeking restoration of the main appeal is already listed before the appellate authority on 10.09.2025, the Gram Panchayat shall not execute the warrants of possession for a period of two weeks from today and shall abide by the final order to be passed by the appellate authority/Joint Development Commissioner, Punjab.

4. Learned counsel for the petitioner does not oppose the aforesaid course of action being adopted.

5. Keeping in view the aforesaid submissions made by learned counsel for the parties, the present writ petition is disposed of with a direction to the appellate authority/Joint Development Commissioner, Punjab to decide the petitioner's application seeking restoration of the main appeal, which was dismissed for non-prosecution on 09.07.2025, and/or the main appeal itself, on the date already fixed, i.e. 10.09.2025. It is further

directed that the warrants of possession for implementing the eviction order dated 14.11.2023 (Annexure P-8) shall not be executed for a period of two weeks from today.

6. All the pending application(s), if any, shall also stand closed.

03.09.2025

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No