



**CWP-9876-2025 (O&M)**

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

**Sr. No.124**

**CWP-9876-2025 (O&M)**  
**Date of decision: 07.04.2025**

Baljinder Singh and another

....Petitioners

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL  
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Harinder Pal Singh Ishar, Advocate  
for the petitioners.

Mr. Amit Kumar Goyal, Addl. A.G., Punjab.

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**DEEPAK SIBAL, J. (Oral)**

1. Through order dated 13.11.2024, the District Development and Panchayat Officer, Barnala, exercising the powers of Collector under the Punjab Village Common Lands (Regulation) Act, 1961 (for short – *'the 1961 Act'*), ordered the petitioners' eviction from land measuring 218 kanal 7 marlas bearing Khewat No.634/622 Khatauni Number: 1210 and 1212 Khasra No.43//6(7-15), 7(4-0), 13(5-11), 14(8-0), 18(8-0), 19(5-18), 21(5-7), 22(8-0), 23(8-0), 24(8-0), 25(8-0), 82//21 (9-2), 22(2-9), 88//1(7-7), 2(7-6), 3(6-7), 4(7-2), 5(7-7), 6(8-0), 7(8-0), 8 (8-0), 9(8-0), 10(8-0), 11(8-0), 12(8-0), 13(8-0), 14(8-0), 15/1(6-16) as per jamabandi for the year 2020-21 of Village Talwandi, Tehsil Tapa, District Barnala (for short – the land in question).

2. The aforesaid order was challenged by the petitioners through filing of an appeal under Section 7(2) of the 1961 Act before the Director, Department of Rural Development and Panchayat, Punjab, (for short – the

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Director). Alongwith their appeal, the petitioners also filed an application seeking therein stay of the operation of the order impugned by them through their appeal. The Director issued notice in the petitioners' appeal as also in their stay application for 23.04.2025 but no interim protection was granted.

3. In the meanwhile, an application was filed by the Gram Panchayat, Village Talwandi, for execution of the order of the DDPO, Barnala dated 13.11.2024 which was allowed by the DDPO, Barnala on 05.03.2025. Resultantly, warrants of possession qua the land in question were issued.

4. Learned counsel for the petitioners submits that once the petitioners have availed of their statutory remedy of appeal to challenge therein the order of eviction dated 13.11.2024 passed by the DDPO, Barnala and alongwith their appeal they have also filed an application for stay in which notice has been issued for 23.04.2025, if in the meanwhile, the eviction proceedings qua the petitioners are not stayed and that if they are evicted during the pendency of their statutory appeal or at least before a decision on their application for stay of the eviction order, taking recourse to their statutory remedy would be rendered infructuous before a decision thereupon.

5. After hearing learned counsel for the parties, we are of the opinion that once the petitioners have availed their remedy of filing of a statutory appeal to challenge therein the eviction order passed by the DDPO, Barnala and in such appeal they have also made a prayer for interim stay, in which notice has also been issued by the Appellate Authority, before a decision on the said appeal or at least on the stay application the petitioners should not be evicted from the land in question as the same would result in rendering of their statutory remedy absolutely meaningless.



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6. In the light of the above, the present petition is disposed of with a direction to respondent No.3 to take a final decision on the petitioners' appeal filed by them against their eviction order dated 13.11.2024 passed by the DDPO, Barnala or at least on the application filed by them seeking therein stay of the aforesaid order, in accordance with law but only after granting of opportunity of hearing to all concerned. In the meanwhile, *status-quo* with regard to possession of the petitioners on the land in question shall be maintained.

**(DEEPAK SIBAL)  
JUDGE**

**(VIKRAM AGGARWAL)  
JUDGE**

**April 07, 2025**  
*Jyoti 1*

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No