



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

274

CR-1078-2023 (O&M)  
Date of Decision: 13.05.2025

Gurmej Singh

...Petitioner

V/s

Joint Development Commissioner, Punjab and others ...Respondents

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

Present: Mr. Sarbjit S. Khaira, Advocate for the petitioner.

Ms. Shiny Chopra, AAG, Punjab.

Ms. Amarjit Kaur, Advocate  
for respondents No.3 to 5  
(through video conference)

\*\*\*

**VIKRAM AGGARWAL, J (ORAL)**

This is a petition preferred under Article 227 of the Constitution of India assailing the order dated 30.01.2023 (Annexure P-1) passed by the Joint Development Commissioner (IRD) (exercising the powers of the Commissioner), Punjab, vide which the order of *status quo* in favour of the petitioner was vacated.

2. An application under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 was filed by the Gram Panchayat (respondent No.3) for eviction of the present petitioner from land measuring 30 *kanals* 15 *marlas* situated at Village Buttar Siviya, Tehsil Baba Bakala, District Amritsar. The same was however dismissed on 25.09.2001 (Annexure P-2). Subsequently, another application under Sections 4, 5 and 7 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 was filed. An *ex parte* order is stated to have been passed in the said application on 11.07.2022 (Annexure P-3).



3. It is the case of the petitioner that while filing the said petition, the factum of dismissal of the previous application under Section 7 of the 1961 Act was concealed. An appeal was preferred by the petitioner against the said order dated 11.07.2022 and vide order dated 08.08.2022 (Annexure P-4), parties were directed to maintain *status quo*. However, vide the impugned order, the said order of *status quo* was vacated.

4. Learned counsel for the petitioner submits that the impugned order is totally non-speaking as the concerned authority simply accepted the contentions advanced by the respondents therein without discussing any of those contentions and without returning any finding on the same. He submits that, under the circumstance, the order is not sustainable.

5. *Per contra*, learned counsel representing the respondents submit that there is no illegality in the order.

6. Admittedly, order of *status quo* was passed in favour of the petitioner on 08.08.2022. Though the said order was also equally non-speaking but vide the impugned order, the said order of *status quo* was vacated;

***“Case was presented. Mr. Arshdeep Singh Khaira Advocate appeared for the appellant side. Advocate Ms. Amarjit Kaur appeared on behalf of the opposing party Darshan Kaur Panch, Jaswinder Kaur Panch, Sukhdev Singh and Pargat Singh. Both the parties argued on the matter of stay. While agreeing with the contentions advanced by the respondent party, the status quo earlier granted by this Court is vacated. The case should come up for argument on 15.03.2023.”***

A bare perusal of the order shows that it is a completely non-speaking order and does not record any of the contentions advanced by any of the sides nor does it record any findings.



7. That being so, the present revision petition is allowed. The impugned order dated 30.01.2023 (Annexure P-1) passed by the Joint Development Commissioner (IRD) (exercising the powers of the Commissioner), Punjab is set aside and the matter is remitted to the authority concerned to hear both sides and then pass a speaking order afresh in accordance with law.

Pending application(s), if any, shall also stand disposed of.

**(VIKRAM AGGARWAL)**  
**JUDGE**

**May 13, 2025**

vchgarg

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