



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

131

CWP-21021-2025

Date of Decision: 24.07.2025

Vijay Kumar and others

..... Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MS. JUSTICE LAPITA BANERJI

Present:- Mr. D.V. Dhindsa, Advocate, for the petitioners.

Mr. Sourabh Mago, DAG, Haryana.

DEEPAK SIBAL, J. (Oral)

1. Gram Panchayat, Ismailpur instituted proceedings under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the 1961 Act') seeking therein eviction of the petitioners from illegal possession of land belonging to the Panchayat, which application was allowed on 21.05.2025, by the Assistant Collector First Grade, Bilaspur (for short, 'AC'). The said order of the AC was challenged by the petitioners through an appeal filed before the Collector, Yamuna Nagar. Along with their appeal, the petitioners also filed an application seeking interim stay. However, before the Collector could even consider the petitioners' appeal or at least their application for stay, the impugned order/letter dated 10.07.2025 was issued by respondent No.5 to respondent No.6 directing him to execute the eviction order passed by the AC on 21.05.2025.

2. Learned counsel for the petitioners submits that against the order of AC, which is being sought to be executed, the petitioners have already availed of their statutory remedy of appeal and before consideration of their appeal, or at least the application for stay filed by them along with

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their appeal, it is most unjust and arbitrary on the part of the respondents to execute the order of the AC.

3. Learned State counsel, who appears on advance notice, fairly submits that the petitioners' appeal filed by them against the order of the AC dated 21.05.2025 or at least their application for stay shall be considered and decided by the Collector, Yamuna Nagar within two months from the date of receipt of a copy of this order.

4. In the light of the above stand taken on behalf of the State, this petition is disposed of with a direction to Collector, Yamuna Nagar to consider and decide the petitioners' appeal or at least the application for stay filed by them to challenge the order of the AC dated 21.05.2025, within two months from the date of receipt of a copy of this order, after giving opportunity of hearing to all concerned, in accordance with law.

5. It is further directed that till the decision on the petitioners' appeal or their application for stay, *status quo* shall be maintained with regard to possession and alienation of the property in question.

6. It is clarified that while deciding the petitioners' appeal or their application for stay, the Collector, Yamuna Nagar shall not be influenced by the interim stay granted by us through the instant order.

[DEEPAK SIBAL]
JUDGE

[LAPITA BANERJI]
JUDGE

24.07.2025

Jyoti Thakur

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No