

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.23583 of 2015
Date of Decision: November 04, 2015

Jagir Kaur and anotherPetitioners

versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Rajinder Kumar Singla, Advocate,
for the petitioners.
Mr.Rajesh Bhardwaj, Additional AG, Punjab.

-.-

1. *Whether Reporters of Local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 to 4 only at
this stage.

On our asking, Mr.Rajesh Bhardwaj, learned
Additional Advocate General, Punjab, accepts notice on their
behalf.

Let four copies of the writ petition be supplied to
the State counsel during the course of day failing which this
order shall be automatically recalled and the writ petition shall
be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to
pass, we do not deem it necessary to issue notice to
respondent Nos.5 to 17 as no order prejudicial to their interest
is being passed on merits. Reply-affidavit from the official-
respondents is also not necessary.

The case set-up by the petitioners is that the private-respondents have encroached upon a part of public passage (Phirni) comprising khewat No.340/41, khatoni No.406, khasra No.71/29-0 of their village. It is further alleged that eviction orders under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 were passed against some of them. Repeated efforts have been made to get those orders executed but on account of influence exerted by the private-respondents, those orders are not being given effect. On this premise, it is alleged that private-respondents still continue to occupy the Gram Panchayat land.

The petitioners served a legal notice dated 18.07.2015 (P-12) to sensitize the authorities of their responsibility towards execution of the eviction orders. That notice was acknowledged by the B.D.P.O., Noormahal vide memo dated 10.08.2015 wherein a resolution passed by the Gram Panchayat on 03.08.2015 is also referred to. Vide the aforesaid memo, Naib Tehsildar, Noormahal has been requested to send the demarcation report in respect of the public passage.

The petitioners have further alleged that instead of giving effect to the eviction order, one of the private-respondent, namely, Hazari Singh has instituted a civil suit for permanent injunction against the petitioners in the Civil Court at Phillaur.

As the facts would speak for themselves, if there are eviction orders passed against the unauthorized occupants of the public passage, those orders must be given effect and if need be, a fresh demarcation can be carried out for that purpose. We thus dispose of this writ petition with a direction

to the Deputy Commissioner and the District Development and Panchayat Officer, Jalandhar, to ascertain the true facts from the Gram Panchayat and expedite the execution proceedings, if any pending, so as to take the execution orders to logical conclusion. If the private-respondents have taken a plea that eviction order has already been executed, a fresh demarcation can be carried out to verify the correct facts. We are quite sure that no civil court will interfere in a matter which may cause legal impediment against execution of the order(s) passed by the Court of competent jurisdiction. The authorities will do the needful within a period of two months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

November 04, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE