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

**CWP No.3271 of 2015
Date of Decision: 24.02.2015.**

Sanjeev and others

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Paramvir Singh Sikand, Advocate
for the petitioners.

Mr. V.B. Aggarwal, Advocate for the caveator.

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)

The instant writ petition, in our considered view, is a glaring example of abuse of process of law. Petitioners No.1 and 2 are sons of Ajmer Singh and grandsons of Amar Singh son of Hirda. An eviction order under Section 7 of Punjab Village Common Lands (Regulation) 1961, Act as applicable to the State of Haryana was passed by the Assistant Collector, Ist Grade, Thanesar, way back on 08.06.1984 against petitioners' grand father (Amar Singh). That eviction order has admittedly attained finality. Besides the grandfather of petitioners No.1 and 2, the other judgment-debtors

were brothers of petitioner No.3 (Singhu S/o Hari Nand) and brother of petitioner No.4 (Rati Ram S/o Jamna). Petitioners No.5 & 6 are sons of petitioner No.4.

[2]. It may be, thus, seen that the eviction order dated 08.06.1984 was passed against one or the other predecessors-in-interest/family members of the petitioners. There was a categorical finding that they have encroached upon the Gram Panchayat land measuring 7 *Bigha* 17 *Biswa*. The demarcation was also carried out by the Assistant Collector, 1st Grade at the spot and after considering the objections submitted by the encroachers that the eviction order was passed. The appeal and revision petition against that order were also dismissed.

[3]. Though while passing the eviction order, option was given for the purchase of encroached land and the Gram Panchayat did pass a resolution to that effect but later on that resolution was not approved by the Competent Authority and thus, could not be given effect.

[4]. With this *fate accompli*, though the eviction order ought to have been executed and given effect but it was kept under the carpet for several years for obvious reasons including that the real uncle of petitioners No.1 & 2 is the Sarpanch of Gram Panchayat. It is only when the residents of the village who are facing hardship due to

encroachment made by the petitioners and their family members, firstly approached this Court seeking direction for the execution of eviction orders and thereafter have initiated the contempt of Court proceedings against the authorities. The Deputy Commissioner, Kurukshetra has vide the impugned order dated 14.11.2014 (Annexure P-14) initiated action against the Sarpanch, if he fails to execute the eviction order. Apprehending, that the unauthorised constructions are likely to be demolished that the petitioners have now approached this Court.

[5]. The primary contention is that 1984 eviction order was not passed against the petitioners and those who had suffered that order have already 'vacated' the Gram Panchayat land including Amar Singh grandfather of petitioners No.1 and 2.

[6]. We are, however, not impressed by the submission. Had it been a case where the encroachments stood removed pursuant to 1984 eviction order, there was no occasion for the aggrieved residents of the village or the District Administration to swing into action and initiate action for the removal of encroachments. The petitioners want to take undue advantage of the fact that it was their grandfather and/or any other family member who were the party-respondents in the eviction proceedings. Since the petitioners are the successors-in-interest and have stepped into the shoes of their predecessors and their names specifically figure amongst the

encroachers along with the full description of the area unauthorisedly occupied by them, the law must take its own course and the consequences of the eviction order must fall upon all the encroachers without any exception.

[7]. Dismissed.

**(SURYA KANT)
JUDGE**

February 24, 2015
Atik

**(RAJ MOHAN SINGH)
JUDGE**