

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

**Civil Writ Petition No.4165 of 2015**

**Date of Decision: 11.03.2015**

Rajinder Singh and others

..... Petitioners

Vs.

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

Present: Mr. Sunil Agnihotri, Advocate for the petitioners.

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**JASWANT SINGH, J. (ORAL)**

The LRs of the decree holder-Dalip Singh are invoking the jurisdiction under Article 226 of the Constitution praying for quashing of the action of the Gram Panchayat Rampur, Haler, Tehsil Dasuya, District Hoshiarpur/respondent No.4 in initiating action to cut the standing trees from the land described in Para 2 of the writ petition.

It is averred that the predecessor-in-interest-Dalip Singh had a judgment and decree dated 23.07.1986 (P-2) in his favour, whereby the defendant-Gram Panchayat was restrained from claiming any right in the trees standing in the land in dispute. Subsequently, since the Gram Panchayat had proceeded to auction afresh the standing trees and to permit the cutting of the same in violation of the decree, Dalip Singh filed C.W.P. No.3030 of 2010, which was decided by this Court, vide order dated 30.07.2010 (P-6).

Learned Counsel for the petitioners submits that since a similar action now by the Gram Panchayat is being resorted to, therefore, the present writ petition has been filed.

After hearing learned Counsel for the petitioners, this Court finds no grounds to invoke the jurisdiction of this Court and issue any directions.

Firstly, in terms of the decree dated 23.07.1986 (**P-2**), the decree holder-Dalip Singh was required to deposit the balance of sale price of the trees under the terms of the auction related to the said land, it is nowhere pleaded or has come on record that the said balance price has ever been deposited by the decree holder-Dalip Singh. Even otherwise, this Court while disposing of a similar writ petition filed earlier, vide order dated 30.07.2010 (**P-6**) had given a liberty to the decree holder to seek his remedy in accordance with the provisions of the Civil Procedure Code in case of any action amounting to violation of the decree. That remedy is still available to the present petitioners, who have stepped into the shoes of the decree holder.

Accordingly, the present writ petition is devoid of any merit, the same stands dismissed.

**March 11, 2015**  
**Gagan**

**(JASWANT SINGH)**  
**JUDGE**