

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2554 of 2016

Date of Decision.07.04.2016

Executive Engineer, PWD (B&R) Provincial Division No.2, Sirsa
.....Petitioner

Vs.

Rameshwar Dass and othersRespondents

2. C.R. No.2555 of 2016

Executive Engineer, PWD (B&R) Provincial Division No.2, Sirsa
.....Petitioner

Vs.

Ram Niwas Goyal and othersRespondents

Present: Mr. Siddharth Sanwaria, DAG, Haryana
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. In suit for recovery of possession granted free of any obstruction, the decree holder has applied for delivery and the objection by the State is that he is not in possession but the property is being enjoyed by the Marketing Board and the recovery of possession would mean removal of the road which has been laid by the State. The counsel would argue further that the Marketing Board may be compelled to satisfy the decree.

2. If the State or its functionary is party to the decree, the decree holder is entitled to execute the decree against all or any one of

the judgment debtors. If the decree is sought to be delivered against the State, the delivery will be possible in the manner that it is capable of being given and if any road is required to be removed and the State would not remove, the decree holder will be at liberty to press for appropriate process for removal. Even a compulsion that Marketing Board should be directed to deliver cannot be given for it is decree holder's prerogative to decide about how he chooses to execute the decree against all or any one of the judgment debtors.

3. I do not find any reason to interfere with the order rejecting the objection raised by the State. The revision petitions are dismissed.

(K. KANNAN)
JUDGE

April 07, 2016
Pankaj*