

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.13596 of 2017.

Date of Decision: July 03, 2017

Gram Panchayat Bhagwanpur

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Baldev S.Sidhu, Advocate, for the petitioner.

Ms.Anu Pal, Assistant AG, Punjab.

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Surya Kant, J. (Oral)

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

On our asking, Ms.Anu Pal, learned Assistant Advocate General, Punjab, accepts notice on their behalf.

Let four copies of the writ petition be handed-over to her during the course of day.

In view of the nature of order which we propose to pass, it is not necessary to seek counter-reply from the official respondents. We also do not deem it appropriate to call upon the private respondents as no order prejudicial to their interest is being passed.

The grievance of the petitioner-Gram Panchayat is that eviction order under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 has been passed at its instance against the private-respondents.

The private-respondents, on the other hand, raised title dispute by way of petitions under Section 11 of the Act. Those petitions are said to have been dismissed. Pursuant to the eviction order, warrants of possession were issued on 18.04.2012 by the Collector-cum-Development of Panchayat

Officer but those warrants of possession have yet not been executed though more than five years have passed.

If the facts stated by the petitioner-Gram Panchayat are correct and no appeal etc. is pending against the order of eviction and/or if there is no other legal impediment against execution of eviction orders, we are of the considered view that it is imperative upon the authorities concerned to give effect to the warrants of possession in accordance with law and principles of natural justice. The writ petition is thus disposed of with a direction to respondent Nos.2 to 4 to take necessary action in accordance with law and satisfy the petitioner's claim within a period of four months from the date of receiving a certified copy of this order.

Ordered accordingly.

[SURYA KANT]
JUDGE

July 03, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No