

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

CWP No. 19139 of 2016 (O&M)

Date of decision: 05.05.2017

Gram Panchayat, Village Mustfapur

.. Petitioner

vs.

State of Punjab and ors.

.. Respondents

Coram: **Hon'ble Mr. Justice Rajesh Bindal**
 Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Amardeep Singh Gill, Advocate
 for the petitioner.

Ms. Munisha Gandhi, Addl. A.G., Punjab and
Mr. Sandeep Kumar Bansal, AAG, Punjab

Mr. Nimanyu Gautam, Advocate
for respondent No.14.

Rajesh Bindal, J.

The Gram Panchayat has filed the present petition with a grievance that the eviction orders were passed against respondent Nos. 9 to 24 on 16.09.1998, which were upheld in appeal vide order dated 16.09.2004. But despite the fact that warrant of possession had been issued number of times, the authorities are not executing the same by taking possession of the shamlat land in possession of respondent Nos. 9 to 24 and handing over the same to the petitioner-Gram Panchayat.

Learned counsel for the petitioner submitted that as even suit filed by respondent Nos. 11,14,17,19 and 23 alongwith others under section 11 of the Punjab Village Common Lands (Regulations) Act, 1961 was also dismissed on 29.03.2007, the order attained finality as it was not challenged in any appeal. He further submitted that in the reply filed by the State, copy of order dated 11.09.2015 passed in appeal filed by Harjinder Singh son of Harbans Singh, respondent No. 14 against the order dated 16.09.1998

granting status-quo regarding the disputed property has been annexed. Besides respondent No.14, in no other case there is interim stay granted by any authority, hence orders of eviction are required to be executed.

Learned State counsel does not dispute the aforesaid factual position.

After hearing learned counsel for the parties and considering the fact that the eviction orders have been passed against respondent Nos. 9 to 24 and nothing has been placed on record to suggest that there is any interim stay granted by any authority against the orders of eviction against the aforesaid respondents except respondent No. 14, in our opinion, direction is required to be given to respondent No.3- District Development and Panchayat Officer-cum-Collector, Jalandhar to execute the warrants of possession against the aforesaid respondents by taking recourse of law.

Ordered accordingly.

The petition stands disposed of.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

05.05.2017
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Whether speaking/reasoned Yes/No

Whether Reportable: Yes/No