

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

**CR No.6818 of 2018(O&M)
Date of Decision: 06.10.2018**

Gram Panchayat, Mirzapur

.....Petitioner

Versus

Sattu (deceased) through LRs and othersRespondents

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

Present:Mr. Ajay Chaudhary, Advocate
for the petitioners.

RAJ MOHAN SINGH, J.(Oral)

[1]. A suit for declaration in respect of conferment of occupancy status in terms of Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1952 was decreed by the trial Court vide judgment and decree dated 23.12.2010. The suit was decreed to the effect that the plaintiffs have acquired occupancy rights in respect of properties as detailed in the suit and they have become owners in possession of the properties under Section 3 of the Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1952. Plaintiffs have been held to be entitled to get their names recorded as owners in possession in

respect of suit property.

[2]. The order of ejectment passed by the Assistant Collector First Grade, Hisar and imposing penalty on the basis of order dated 31.05.2006 were also held to be illegal. Right of defendant No.1/petitioner was acknowledged only to the extent of claiming of compensation from the petitioner as per provision of Section 3 of the aforesaid Act. Defendant No.1/petitioner remained unsuccessful in appeal before the Lower Appellate Court as well as in civil revision before the High Court.

[3]. Now the decree dated 23.12.2010 is in execution before the executing Court in which objections filed by defendant No.1/petitioner have been dismissed vide the impugned order.

[4]. Jurisdiction of the Civil Court in respect of conferment of Occupancy status is no more *res integra* in view of ratio laid down in **Amin Lal Vs. Financial Commissioner (Revenue) and others, 1973(2) ILR (Punjab) 546, Puran Lal Aggarwal Vs. Financial Commissioner, Haryana, 1992(2) R.R.R. 239** and **Shiv Charan Vs. Financial Commissioner, Haryana and others, 2004(4) RCR (Civil) 543.**

[5]. It is a settled principle of law that executing Court cannot go beyond the decree. These very objections were the subject matter of main litigation between the parties before the

Civil Court.

[6]. In view of above, I find no justification to interfere in this revision petition. This revision petition is accordingly dismissed.

October 06, 2018

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**(RAJ MOHAN SINGH)
JUDGE**

**Whether reasoned/speaking
Whether reportable**

**Yes/No
Yes/No**