

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

Sr. No.114

**CRM-M-32202-2018**

**Date of decision : 31.07.2018**

Harbans Singh and another

..... Petitioners

**VERSUS**

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. P.S. Sekhon, Advocate, for the petitioners.

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**SUDHIR MITTAL, J. (Oral)**

The petitioners seek direction to respondent Nos.1 to 4 to take appropriate action against respondent Nos.5 to 14 in view of report dt. 19.05.2017 (Annexure P4) and representation dt. 18.05.2018 (Annexure P6).

The case of the petitioners is that they are the LR's of one Chhoti Kaur. Respondent No.6 obtained an ex parte decree against said Chhoti Kaur in respect of the land in dispute. Thereafter, after the death of Chhoti Kaur, her LR's sought setting aside of the said ex parte decree and vide order dt. 05.06.1996, the Civil Court granted stay of execution of the said decree. Pursuant to the said order, Rapat No.10 dt. 01.09.1996, was entered in the register of jamabandi regarding existence of stay order. Thereafter, it appears that the petitioners/LR's of Chhoti Kaur succeeded in their challenge to the ex parte decree, but on 03.08.2008, respondent No.6 in connivance with respondent No.5 obtained a copy of jamabandi, in which the stay order was not mentioned and sold the land in dispute to respondent No.7, whereafter the land has further been sold to respondent Nos.8 to 11 and then to respondent Nos.12 to 14. On a complaint made by the petitioners and other LR's of Chhoti Kaur, an enquiry was conducted by the Sub-Divisional Magistrate, Lehra and vide report dt.19.05.2017 (Annexure P4), the private respondents were found guilty. However, the Deputy Commissioner, Sangrur has not taken any action thereupon despite report (Annexure P6) having been submitted before him.

Notice of motion.

Mr. J.S. Walia, Sr. DAG, Punjab, accepts notice on behalf of respondent Nos.1 to 4. Let five copies of the petition be supplied to him during the course of the day.

In view of the nature of the order being passed, there is no necessity to call upon the private respondents, at this stage.

The petition is disposed of with direction to respondent No.3 to consider the report (Annexure P4) as well as representation (Annexure P6) and take suitable action thereupon within a period of four weeks from the date of receipt of certified copy of this order.

(SUDHIR MITTAL)  
JUDGE

**31.07.2018**  
Ramandeep Singh  
Whether speaking / reasoned  
Whether Reportable

Yes / No  
Yes/ No