

CR Nos.1940, 1943 & 1953 of 2019 (O&M)

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

Date of decision : 20.03.2019

1. CR-1940-2019 (O&M)

Shivala Vakya Talab Rania

... Petitioner

Versus

Lachhman Singh and others

... Respondents

2. CR-1943-2019 (O&M)

Shivala Vakya Talab Rania

... Petitioner

Versus

Ram Jas

... Respondent

3. CR-1953-2019 (O&M)

Shivala Vakya Talab Rania

... Petitioner

Versus

Ram Karan and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Kulwant Singh Boparai, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

This order of mine shall dispose of three revision petitions,
aforementioned.

The petitioner-decree holder has filed the revision petitions

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under Article 227 of the Constitution of India, for issuance of direction to the Executing Court i.e. Sub-Divisional Magistrate-cum-Assistant Collector 1st Grade, Ellenabad, District Sirsa, to decide the execution petition for implementation of eviction order dated 14.10.1997, passed by the erstwhile Assistant Collector, under the provisions of Punjab Security of Land Tenures Act, 1953.

It was alleged that in the eviction petitions, eviction order dated 14.10.1997, in all three cases, was passed, which was assailed before the Commissioner and vide order dated 10.05.2002 (Annexure P-2), the appeal was dismissed. Revisional jurisdiction of the Financial Commissioner was also decided against the tenants, as per order dated 31.01.2001 (Annexure P-3). All the tenants preferred the writ petitions bearing CWP Nos.4352, 4764 and 5033 of 2001 and this Court, vide order dated 28.07.2017 (Annexure P-4), dismissed the writ petitions and only Lachhman Singh, preferred Special Leave Petition before Hon'ble the Supreme Court, which has also been dismissed, vide order dated 27.07.2018, whereas in other cases i.e. CR No.1953 and 1943 of 2019, neither Letters Patent Appeal (LPA) nor Special Leave Petition (SLP) has been filed.

An application for revival of the execution petitions, which were adjourned *sine die* in the year 2001, was submitted in the year 2018, which has been received in the register of record room on 04.06.2018, but no action has been taken so far. The order of the Collector, thus, remains unexecutable.

I have heard learned counsel for the petitioner, appraised the paper book.

The facts, as noticed above, are not controverted, much less,

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order of eviction. Quasi Judicial Authorities, having the jurisdiction of entertaining and trying the certain petitions including one, as noticed above, are enjoined upon an obligation that the decrees do not remain unattended or unexecutuable. These should have been dealt with in pragmatic manner. The grievance of the petitioner cannot remain unaddressed.

This Court called upon Mr. Boparai to apprise as to whether any zimini orders were passed in the application. The answer is in negative.

Keeping in view the aforementioned facts, I deem it appropriate to dispose of the revision petitions with a direction to the Sub-Divisional Magistrate-cum-Assistant Collector 1st Grade, Ellanabad, Sirsa, to decide the application seeking revival of the execution petitions and execution petition for implementation of the eviction order dated 14.10.1997, as expeditiously as possible preferably within a period of four months from the date of receipt of the certified copy of this order.

In case, no action is taken, the petitioner shall be at liberty to seek the revival of the revision petitions for further orders.

20.03.2019

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

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Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**