

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

CWP 16321/2018

Date of decision:15.05.2019

Dindayal

.....Petitioner

v.

State of Haryana and others

.....Respondents

**Coram: Hon'ble Mr.Justice Jaswant Singh
 Hon'ble Mr.Justice Arun Kumar Tyagi**

Present:- Mr.N.S.Panwar,Advocate for the petitioner.

Mr.Rajiv Doon, AAG Haryana

Jaswant Singh,J,(Oral).

Petitioner-Dindayal, a resident of Village Biholi, Tehsil Ateli, District Mahendergarh by filing this writ petition is seeking a writ of mandamus inter alia directing respondent no.4-ACIG, Narnaul to conclude the executing proceedings so as to execute order dated 30.4.2003 (P-1) within a time frame and to restore the possession of the Gram Panchayat over the Panchayat land immediately.

It is averred that Prabhatilal, father of the petitioner filed an application dated 29.6.2001 under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 1961 Act) before ACIG, Narnaul for removal of illegal possession of respondents 1 to 3 from the land of Gram Panchayat comprised in Khewat No.393, Khatoni no.515, Mustatil and Killa No.63//, 19/17, 19/18, 19/19 and 19/28 kitta 4 measuring 15 kanals 4 marlas. Respondents 1 to 3 contested the said application by stating that they were in possession of the land in question since consolidation. Ultimately, ACIG vide order dated 30.4.2003(P-1) allowed the said application of Prabhatilal and ordered their eviction from the land in question as also to deposit fine for illegally using the land of Gram Panchayat. The said order is stated to

have attained finality as appeal filed by respondents before Collector was dismissed vide order dated 14.10.2003 against which no further remedy was availed by said respondents. It is further alleged that due to collusion between respondents 1 to 3 on the one hand and Sarpanch-respondent no.7 and respondents 8 to 10 said order P-1 was never executed whereupon petitioner filed execution petition for implementation of the said order. It is alleged that the execution petition is pending adjudication since January 2015 hence the present petition.

Upon notice, reply has been filed by Satish Yadav, Distt. Revenue Officer-cum-ACIG, Narnaul-respondent no.4 on behalf of respondents 1 to 4. It is stated therein that the execution petition filed by the petitioner has been disposed of on 27.8.2018 by ACIG and possession of the land in question has been given to Gram Panchayat with the help of local police. As regards prayer of the petitioner to take necessary action against respondents 7 to 10 for obstructing implementation of the order dated 30.4.2003 (P-1) it is stated that as per Section 7-A of the 1961 Act no court other than that of the JMFC can take cognizance of or try any offence punishable under the 1961 Act and accordingly, petitioner should have filed his criminal complaint before the Court of competent jurisdiction in this regard.

In view of the contents of the reply noticed above, learned counsel for the petitioner concedes that the instant petition has become infructuous.

Disposed of accordingly.

(Jaswant Singh)
Judge

15.05.2019.
joshi

(Arun Kumar Tyagi)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No