

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

**CWP No.19278 of 2017(O&M)
Date of decision: 17.01.2020**

Krishan Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

**Coram: Hon'ble Mr. Justice Rakesh Kumar Jain
 Hon'ble Mr. Justice Ashok Kumar Verma**

Present: Mr. Rajnish K. Gupta, Advocate,
 for the petitioner.

Ms. Kirti Singh, DAG, Haryana
for respondents No.1 to 6

Mr. Manjeet Singh, Advocate for
Mr. Vivek Goyal, Advocate
for respondent No.7.

Rakesh Kumar Jain, J. (Oral)

The petitioner has prayed for the issuance of a writ in the nature of mandamus to direct the respondents to implement the order dated 15.09.2006 (Annexure P-5) passed by this Court in CWP No. 1820 of 2004 titled as “Baru Ram vs. Labh Singh and others”.

It is submitted that in the order dated 15.09.2006, the Court, while upholding the eviction of the petitioner, reduced the penalty from ₹10,000/- per hectare to ₹4,000/- per hectare. The petitioner was also held liable to pay a penalty of ₹4000/- per hectare for a period of 38 months prior to the date of filing of the application under Section 7 (2) of the Act i.e. 10.10.1996 till realization.

Counsel for the respondents has submitted that the possession has already been taken from the LRs of respondent No.8, therefore, the first prayer of the petitioner herein, has become infructuous. But insofar as the

recovery of penalty is concerned, it is submitted that the proceedings for recovery as arrears of land revenue are under process with the Tehsildar, Guhla.

Counsel for the petitioner has submitted that an appropriate direction should be issued to Tehsildar, Guhla to recover an amount of penalty within a time prescribed by this Court.

We have heard counsel for the parties and after examining the aforesaid facts and circumstances of the case, dispose of this writ petition in respect of first part of the request regarding taking possession of the land in question has infructuous because the possession has already been delivered by the Tehsildar, Guhla to the Gram Panchayat. But in so far as the second prayer is concerned, the Tehsildar Guhla is undertaking the process of recovery of the amount of penalty of ₹4000/- per hectare in terms of order passed by this Court on 15.09.2006, but the same shall be completed within a period of three months from the date of receipt of certified copy of this order and the revenue record be also updated.

**[RAKESH KUMAR JAIN]
JUDGE**

**[ASHOK KUMAR VERMA]
JUDGE**

17.01.2020
hemlata

Whether speaking / reasoned	:	Yes/No
Whether reportable	:	Yes/No