

219 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.5144 of 2018 (O&M)
Date of decision: 02.03.2020

Gurbachan Singh

...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. Vivek Aggarwal, Advocate, for the petitioner.

 Mr. Samarth Sagar, Addl. Advocate General, Haryana.

 Mr. Kanwar Bhan Sidhu, Advocate, for respondents No.8 & 9.

Rakesh Kumar Jain, J. (Oral)

This petition is filed by the Lambardar (as a resident of the village) to seek a writ in the nature of Mandamus and direct the official respondents to fully implement the order of ejectment dated 13.04.2011 (Annexure P-2) passed under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short "the Act"), upheld in appeal and revision thereafter, by delivering the possession of the land falling in Khasra No.5/1(3-2), 10 min (1-0).

In brief, the resident of village Ghamur Kheri, namely, Baljinder Singh and the Gram Panchayat filed the petitions under Section 7 which were registered as Case No.32-R-09/10 and Case No.111-R-10/10, before the Assistant Collector, 1st Grade, Thanesar, seeking eviction of Gurmit Singh from the land falling in Khewat No.26/25, Khatauni No.148, Rectangle No.5, Khasra No.1 (3-2), 10 (8-0), 11(8-0), Kittey 3, measuring 19 kanal 2 marla, Khatauni No.153, Rectangle No.5, Khasra No.20 (7-9), Rectangle No.8, Khasra No.16(8-0), 25/1 (1-18), Kittey 3 measuring 17 kanal 07 marla, total

land measuring 36 kanal 09 marla. Both the petitions were allowed. Gurmit Singh filed only one appeal before the Collector which was dismissed on 30.10.2013 and his further appeal filed before the Commissioner, Ambala Division, Ambala was also dismissed on 27.09.2016.

Learned counsel for the petitioner has submitted that except for the land in question in this writ petition, the possession of the rest of the land has already been taken. The petitioner has thus prayed for an appropriate direction to fully implement the order of eviction against the respondents.

Although Gurmit Singh has not been arrayed as a party in this writ petition but we still direct the respondents to implement the order passed against him by all the Courts below for the purpose of taking physical possession of the land in question but before that a notice shall be given to Gurmit Singh so that in case he has some explanation for not delivering the possession despite the order of eviction then he may be heard by the Assistant Collector 1st Grade.

In view of the above observation, this petition is hereby disposed of.

Let this exercise be conducted within a period of six months from the date of receipt of certified copy of this order.

[RAKESH KUMAR JAIN]
JUDGE

[ASHOK KUMAR VERMA]
JUDGE

02.03.2020
hemlata

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