

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

CR-1455-2019 (O&M)

Date of decision: 11.05.2022

Ram Parshad alias Parsada Ram and another

....Petitioners

Versus

Gram Panchayat, Village Chhapra, Tehsil and District Karnal and
another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhinav Sood, Advocate for
 Mr. Vikram Singh, Advocate for the petitioners

Mr. S.K.Mahajan, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

The petitioners are decree holders of ex parte decree for grant of injunction, restraining the Gram Panchayat from interfering in the possession of the plaintiffs. In the execution petition, the petitioners impleaded Haryana State Agriculture Marketing Board, one of the judgment debtors. Admittedly, the Haryana State Agriculture Marketing Board was not a party to the suit. Therefore, the ex parte decree, if any, does not operate against the Haryana State Agriculture Marketing Board.

The Executing Court, after considering all aspects of the matter, has found that the disputed land is in fact a revenue rasta. The petitioners claim that in fact the revenue passage, left during consolidation of holdings, is not being used by the public and some other passage on the eastern side in its place is being used. The Executing Court has observed that if the petitioners wish to pray for modification

of the scheme of consolidation of holdings, the appropriate remedy lies before the Director, Consolidation.

Learned counsel representing the petitioners contends that till the decree is set aside, the petitioners are entitled to protect their possession.

This Court has considered the submissions. The learned counsel representing the petitioners does not dispute the fact that the disputed property is a revenue rasta (thoroughfare). The decree passed is only an ex parte decree for grant of injunction. In this situation, the Executing Court has correctly relegated the petitioners to the remedy before the Director, Consolidation.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

11.05.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE