

CWP-9435-2022

Date of Decision: May 06, 2022

RAJBIR SINGH

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Amit Kohar, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J.

Present is a writ petition which has been preferred by the petitioner, who is, in the garb of this petition, seeking execution of the order dated 19.12.1992 (Annexure P-1) passed by the Assistant Collector Ist Grade, Yamuna Nagar, whereby the Assistant Collector had come to the conclusion that the land in dispute is under ownership of Gram Panchayat and the petitioner is in illegal, unauthorized possession of the same. However, the possession being old and house having constructed thereon, the land can be given to the petitioner provided he deposits the market value of the land with 10% composition fee to the Gram Panchayat. Apart from the present case, there were 27 other cases which were disposed of with similar orders. Petitioner, in this line of things, is seeking execution of the said order.

2. Reference has also been made to the order dated 12.08.2013 (Annexure P-9) passed by this Court in CWP No. 1197 of 2013 titled as Shyamlal and others vs. State of Haryana and others, whereby prayer had been made by the petitioners for issuance of a title deed in their favour and to initiate action on the representation submitted by them where the writ

petition was disposed of by directing the respondents to proceed and comply with the orders where similar directions have been given as in the case of the petitioners.

3. Firstly, there is no explanation for the inordinate and unexplained delay except for the petitioner having approached the authorities and a resolution having been passed by the Gram Panchayat which has been forwarded to the authorities but till date, no finalization has taken place.

4. This Court cannot be treated as an Executing Court for the orders passed by the authorities and that too, at a belated stage. In any case, where a person has been found to be in illegal possession of the Gram Panchayat land, the Courts should not, in such circumstances, proceed to enforce the orders which would encourage encroachment upon the Gram Panchayat land.

5. We, therefore, do not find any ground for accepting the prayer made in this writ petition and, therefore, dismiss the same.

(AUGUSTINE GEORGE MASIH)
JUDGE

(SANDEEP MOUDGIL)
JUDGE

May 06, 2022

pj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No