

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

**CWP-11213-2022
Date of Decision: September 05, 2022**

BHAJAN SINGH

..... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr.Rajiv Malhotra, Advocate for the petitioner.
Mr. Sandeep Jain, Addl. AG, Punjab.

LISA GILL, J.

Prayer in this writ petition is for direction to respondent No. 2 to implement and execute order of warrant of possession dated 07.03.2022 (Annexure P2).

Status report dated 05.09.2022 by way of affidavit of Sh. Baljinder Singh Grewal, Collector-cum-District Development and Panchayat Officer, Ludhiana as well as short reply filed on behalf of respondent No. 4, with copy thereof to learned counsel for the petitioner, is taken on record subject to just exceptions.

Learned counsel for the State informs that after passing of order dated 07.03.2022 by the learned Collector-cum-District Development and Panchayat Officer, Ludhiana, in petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1964, warrant of possession was issued on 07.03.2022 itself. Police help was sought and necessary arrangements

were made for taking peaceful possession of land in question on 17.05.2022. However, on the spot a copy of order dated 21.10.2021 passed by learned Civil Judge (Junior Division), Ludhiana in an application filed regarding correction of khewat numbers was handed over to the officials due to which warrant could not be executed. It is pointed out that another suit for permanent injunction was filed by persons, who were held to be illegal encroachers. Copy of order dated 25.05.2022 passed by learned Civil Judge (Junior Division), Ludhiana was handed over whereby parties were directed to maintain status quo with regard to the suit property.

Learned counsel for the petitioner as well as State point out that application under Order VII Rule 11 CPC has been filed seeking rejection of suit seeking permanent injunction as jurisdiction of learned Civil Court is barred in this matter. The same is pending adjudication for 08.09.2022.

At this stage, learned Chief Judicial Magistrate, Ludhiana is directed to decide application under Order VII Rule 11 CPC expeditiously in accordance with law and preferably within one month from the date of receipt of certified copy of this order.

Accordingly, present petition is disposed of.

Copy of this order be conveyed to the learned trial Court.

(LISA GILL)
JUDGE

September 05, 2022

Rts

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No