

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 27728 of 2022(O&M)

Date of Decision:07.12.2022

Kirti Sharma

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MRS. RITU TAGORE

Present: Ms. Monica Chhibber Sharma, Advocate
for the petitioner.

Mr. Raman Sharma, Addl.AG., Haryana.

LISA GILL, J(Oral).

Petitioner in this writ petition seeks a direction to the official respondents to remove the illegal encroachment stated to be carried out on Gram Panchayat Land of village Shanti Nagar (Kurari), Sub Tehsil Ismailabad, District Kurukshetra.

It is submitted that petitioner filed a petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (now Haryana Village Common Lands (Regulation) Act, 1961 as notified on 05.04.2021) for removal of encroachment carried out by respondent no.10. Said petition was allowed by the Assistant Collector Ist Grade, Pehowa, on 09.05.2022. Warrant of possession was issued on 04.08.2022. Appeal filed by respondent no.10 was dismissed on 12.10.2022. It is submitted that despite pendency of execution petition, no effective action is being taken for removal of the illegal encroachment carried out by respondent no.10. It is further submitted

that as per knowledge of petitioner, orders dated 29.09.2021 and 12.10.2022

have not been challenged by respondent no.10.

Be that as it may, it is relevant to note at this stage that execution proceedings are admittedly pending adjudication before the executing Court.

Keeping in view the facts and circumstances of the case, but without expression of any opinion on the merits of the case, this writ petition is disposed of with a direction to the executing Court, to decide the execution petition in accordance with law, expeditiously and preferably within four (04) weeks of receipt of certified copy of this order and after affording due opportunity of hearing to all concerned.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

December 07, 2022.

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.