

In the High Court of Punjab and Haryana at Chandigarh

(110)

CWP No. 883 of 2023
Date of Decision: 17.1.2023

Pardeep Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vikas Singh, Advocate
for the petitioners.

Mr. Navneet Singh, Sr. DAG, Punjab.

SURESHWAR THAKUR, J.

1. The learned counsel for the petitioners submits, that the order initially recorded by the Collector concerned, on 30.9.1982, though did make a direction, upon the predecessors-in-interest of the petitioners, to vacate the writ khasra numbers, and, also though the said order of eviction, passed against the predecessors-in-interest of the petitioners, became affirmed, even by the appellate authority concerned. However, he submits, that this Court in CWP No. 217 of 1985, as also in LPA No. 13 of 1986, as arose therefrom, before the LPA Bench, proceeded to concurrently quash, and, set aside the earlier thereto concurrent orders, as made against the predecessors-in-interest of the petitioners herein, respectively by the Collector concerned, and, by the appellate authority concerned. Moreover, he further submits, that the challenge thrown to the above decision, recorded

by this Court, respectively in CWP No. 217 of 1985, and, LPA No. 13 of

1986, became challenged at the instance of the Gram Panchayat concerned, before the Hon'ble Apex Court, and, in SLP No.1108 of 1978, but thereons, a decision became recorded by the Hon'ble Apex Court, whereby the verdict drawn by this Court in CWP No. 217 of 1985, and, in LPA No. 13 of 1986, rather became affirmed by the Hon'ble Apex Court. Therefore, he submits, that the drawings of the warrants of possession through Annexure P-7, for ensuring the makings of the completest execution, and, enforcement of the decision recorded, on 30.9.1982, is a completely fallible exercise.

2. Believing the above said argument, as made before this Court, in respect of the authority concerned, through the drawings of Annexure P-7, taking to purportedly violate, and, disobey a conclusive, and, binding verdict(s) drawn in favour of the predecessors-in-interest of the petitioners herein, by the Hon'ble Apex Court, through a verdict recorded in SLP No.1108 of 1978, thus, this Court is of the view, that the said warrant of possession, be not executed, and, enforced against the writ lands of the present petitioners, as derived from their predecessors-in-interest, who were able to successfully challenge the orders of eviction, as made against them, by the statutory authority concerned.

3. Be that as it may, persons other than the Gram Panchayat concerned, become submitted by the learned counsel for the petitioner, to institute a suit under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the Act'), before the Collector concerned, and, which has resulted in the said petition becoming allowed, yet the learned counsel for the petitioners submits, that an appeal therefrom, has been instituted by the petitioners herein, before the appellate authority concerned.

4. Moreover, the learned counsel for the petitioners submits, that despite the conclusive, and, binding verdict becoming recorded in favour of the predecessors-in-interest of the petitioners, even by the Hon'ble Apex Court, while deciding SLP No.1108 of 1978, yet the statutory authority concerned, through the drawing of Annexure P-1, has taken to also violate the said decision, through making endorsement(s) against alienation of the suit khasra numbers, being made at the instance of the petitioners. The above purported violation, as made by the authorities concerned, qua the verdict, as made by the Hon'ble Apex Court, whereby, the predecessors-in-interest of the petitioners, successfully challenged the eviction order, as made against them, is prima facie unwarranted. Therefore, the said endorsement may not be acted upon but, only upto the statutory appellate authority, makes a lawful decision upon the appeal, as has been preferred at the instance of the petitioners herein, against the decision recorded by the learned Collector concerned, in a petition filed under Section 11 of the Act, by certain private persons.

5. With the above directions, the petition is disposed of.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

January 17, 2023
Gurpreet/Ithlesh

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