

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

117 + 226

CWP-3549-2020 (O&M)

Date of Decision : **January 16, 2023**

GANPAT RAM

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondent

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

Present : Mr. Ajay Jain, Advocate
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

Ms. Mehak Sawhney, Advocate
for the respondent No.5.

SURESHWAR THAKUR, J. (ORAL)

1. After a conclusive and binding effect becoming acquired by Annexure P-1, the Collector concerned, as unfolded by Annexure P-2, drew warrants of possession in respect of the writ lands.

2. The drawings of Annexure P-2 occurred on 26.04.2017, but, since there was no action thereon, on the part of the authorities concerned, therefore, the petitioner accessed this Court for the making of a mandamus upon the respondents concerned, to ensure that Annexure P-2 becomes put to the completest execution.

3. On the above writ petition, various orders were pronounced by this Court, detailing therein the makings of directions, upon, the respondents concerned, for theirs rather ensuring the makings of the completest execution of Annexure P-2. Be that as it may, even the writ petitioner in pursuance to directions made by this Court, upon the

authorities concerned, became detected to be holding unauthorized possession over some portion of the writ lands, therefore, the orders, as made by this Court, were even enforced even in respect of the unauthorized constructions or occupations, as made by the petitioner, on some of the writ khasra numbers.

4. Though, in the face of the above, the writ petition does not survive against the private respondents concerned, and more so, when Annexure P-8, which has been appended along with CM No.528 of 2023, reveals that the learned Collector concerned, who became seized with the execution petition rather has drawn the completest satisfaction, that the warrants of possession occurring in Annexure P-2 rather became fully enforced, besides, when the said order of completest satisfaction being entered upon by learned Collector concerned, rather did not become challenged before the authority concerned. The learned counsels appearing for the contesting litigants, do not wrangle, over the factum that the said order of the Collector concerned, is appealable before the statutorily contemplated apposite authority. Necessarily hence, the institution of the instant petition at the instance of the writ petitioner concerned, for yet this Court enforcing the order carried in Annexure P-2, was a grossly mis-constituted remedy, as the petitioner suppressed the factum of Annexures P-1, and, P-2, becoming enforced, through an appealable order drawn on 24.01.2022, and, as becomes carried in Annexure P-8. Therefore, in the wake of the above, the writ petition is closed, but, with liberty to the petitioner to make a challenge before the appropriate mechanism concerned, hence for seeking the quashing of the order recorded on 24.01.2022, wherethrough, the learned Collector concerned, who became seized with the

execution of Annexure P-2, closed the execution of Annexure P-2, but, with a conclusion that the execution petition has been completely satisfied.

5. Upon the above motion being preferred within two weeks by the petitioner before the Appellate Authority concerned, the latter shall, after hearing all concerned and in accordance with law, hence make lawful orders thereon.

6. With the above observations, the instant petition stands disposed of, and, all the pending applications, if any, also stand disposed of accordingly.

January 16, 2023
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(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No