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

CWP-3583-2023

Date of decision:01.05.2023

JOGA SINGH AND ORS

...Petitioners

Versus

STATE OF PUNJAB AND ORS

...Respondents

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

Present: Mr. S.S. Rangi, Advocate
for the petitioners.

Ms. Monika Jalota, Sr. DAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. This Court, on 09.08.2019 had allowed CWP-3457-2017, as became raised before this Court by one Darshan Singh, who became aggrieved by an order of eviction, as became made against him, by the Statutory Authorities below.

2. In addition, to the concurrently made orders of eviction becoming sustained by this Court, this Court had also ordered that in term of Rule 20-A of The Punjab Village Common Lands (Regulation) Rules, 1964, damages be assessed by the Competent Authority against the encroachers, upon, the panchayat lands concerned. Since, the above order has yet remained unenforced, at the instance of the Competent Authorities concerned, therefore, the petitioner herein accessed this Court for a direction being made, upon the respondents concerned, to ensure that it is forthwith enforced.

3. Moreover, this Court, on 22.02.2023, given the inordinate delay in the enforcement of the verdict (supra), made by this Court, upon, the Authorities concerned, had passed a direction, upon the learned Collector concerned, to personally record his appearance before this Court, and, also to show cause, the reasons which prevailed, upon the Authorities concerned, to make an inordinate delay in enforcing the binding, and, conclusive verdict, as became recorded by this Court, on the above date in the writ petition (supra).

4. Today, Mr. Satish Kumar, Collector-cum-District Development and Panchayat Officer, Gurdaspur is personally present in Court, and, has intimated this Court that he has joined, as such in the month of January, 2023. Therefore, the laxity or indolence on the part of his predecessors-in-interest in office, but is required to be thus explained by each of them. The above explanation purveyed by Mr. Satish Kumar is accepted, and, he is discharged from any further action, being drawn against him in respect of any purported inordinate delay being made, at his instance, in respect of his enforcing the binding, and, conclusive verdict(s) drawn by this Court.

5. Be that as it may, though in the reply on affidavit, the reason purveyed by the Collector concerned, is that the said delay ensues from the factum that Covid-19 pandemic was in existence, subsequent to this Court making the decision (supra). Therefore, there occurred a valid delay in the implementation of the verdict recorded by this Court. However, the said reason is not sufficient, as there was a relaxation in the stringency of the norms relating to Covid-19, and/or, qua Covid-19 appropriate behaviour, thereby since the Courts and offices in the State of Punjab, did, open in the month of October, 2021. Therefore, immediately on the opening of the offices, and, Courts in the month of October, 2021, there was an imperative requirement, upon the Collector

concerned, to ensure a prompt, and, efficacious implementation of the binding, and, conclusive verdict, as became recorded by this Court on petition (supra).

6. Nonetheless, the above did not happen promptly, therefore, all the Collectors concerned, who subsequent to October, 2021, were functioning as such, in the Sub Division concerned, are amenable for lawful action being drawn against them by the Additional Chief Secretary, Revenue to the Department of Punjab. Therefore, consequent thereto directions are made on the Additional Chief Secretary, Revenue to the Department of Punjab, to, in respect of the officers who were functioning as such, as Collectors concerned, subsequent to the month of October, 2021, that lawful action in accordance with law be drawn against them, for the indolence, and, lethargy, in enforcing the binding, and, conclusive verdict (supra), as drawn by this Court.

7. Mr. Satish Kumar, Collector, as such of the Sub Division concerned, though has placed on record, the warrants of possession, as became issued for enforcing the verdict (supra), as made by this Court, besides also placed on record the completest satisfaction, being made of the said issued warrants of possession thus leading to delivery of the panchayat lands concerned, to the Gram Panchayat. Further, yet he was subsequent thereto but required to be making an order that as such, he has drawn an objective satisfaction, that the said warrants of possession have been completely, and, efficaciously enforced, hence against the encroachers concerned. However, he has not so done. Therefore, be done through an order being recorded by the Collector concerned, but within a week from today.

8. Moreover, this Court in the operative part of the order, has made an expression for assessing damages, upon the encroachers, upon the panchayat concerned, but yet if the said direction has not been completely enforced, the same be forthwith completed. Therefore, in terms of the verdict (supra), a notice

for the said purpose be issued, upon the encroachers concerned. Subsequently the said notice be enforced in accordance with law against the encroachers concerned. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

01.05.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

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