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

CWP-10058-2022

Date of decision: 14.02.2023

PREM CHAND

...Petitioner

Versus

STATE OF HARYANA AND ORS

...Respondents

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

Present: Mr. Anoop Kumar Yadav, Advocate
for the petitioner.

Mr. Raman Sharma, Addl. A.G. Haryana

SURESHWAR THAKUR, J. (ORAL)

1. One Prem Chand instituted a petition under Section 7(2) of The Punjab Village Common Lands (Regulation) Act, 1961 (as applicable to Haryana) (hereinafter referred to as “the Act”) before the learned Collector concerned. The said petition was assigned case No.173/V.C.L./B.D.P.O. On petition (supra), an affirmative decision was made on 14.07.2011, and, the said decision has acquired finality and conclusivity, upto, the Court of the learned Financial Commissioner concerned.

2. Therefore, but obviously the conclusive, and, binding judgment as became made by the Authorities concerned, upon the petition (supra), was required to be put to the fullest, and, efficacious execution. Thus, the above Prem Chand has accessed this Court qua yet the completest and fullest execution of the above binding, and, conclusive verdict, has not been made, at the instance of the learned Collector concerned.

3. A reading of Annexure P-1 discloses that the encroachers concerned, were holding unauthorized possession of land measuring about 9 Marlas. Therefore, the conclusive, and, binding verdict (supra) are required to be enforced not only with respect to the some portion of the encroached upon land, at the instance of the encroachers concerned, but was required to be enforced to the fullest extent of the apposite encroachment which covered about 9 Marlas of land.

4. Therefore, since a perusal of the reply on affidavit instituted to the petition by the official respondents concerned, discloses, that the entire petition lands have been ensured to be freed from the apposite encumbrances, as made upon them, by the errant(s) concerned. Necessarily, hence the instant petition is required to be closed.

5. Be that as it may, since during the course of a valid demarcation(s) which became conducted during the pendency of the instant petition, before the learned Collector concerned, some encroachments were detected to have been made by some other encroachers concerned. Therefore, the learned State counsel submits that in respect of such encroachments, as, made on the petition lands, other than the petition lands, rather covered within the above binding and conclusive verdict, a petition has been filed under Section 7 of the Act before the learned Collector. If so, the learned Collector concerned, is directed to make an expeditious lawful decision thereon.

6. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

14.02.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned:-
Whether reportable:

Yes/No
Yes/No