

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

CWP-5967-2022

Date of decision: 10.01.2023

SOHAN LAL

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Deepak Vashishth, Advocate
for the petitioner.

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

Ms. Rajni Sharma, Advocate
for respondents No.3 to 6.

SURESHWAR THAKUR, J. (ORAL)

1. The concurrently made verdicts of eviction against the encroachers, upon the panchayat land have attained finality and conclusivity, as the aggrieved encroachers have not accessed this Court for annulling the said concurrent orders of eviction.

2. Contrarily, the petitioner one Sohan Lal filed an execution petition before the Statutory Authority concerned, against the encroachers concerned, but the said execution petition is still *subjudice*, before the Executing Court/Executing Forum concerned.

3. Be that as it may, if so, the jurisdictional competence to make an effective execution of the concurrently recorded verdicts of eviction pronounced against the encroachers concerned, upon the panchayat land, is vested solitarily in the Executing Court/Executing Forum concerned, and, obviously the said jurisdiction cannot be exercised through the instant writ petition nor through any mandamus being passed against the authorities

concerned. In case, any mandamus is passed against the authorities concerned, despite an ably cast execution petition being *subjudice* before the Executing Court/Executing Forum concerned, thereupon the said making of a mandamus would completely oust the jurisdictional empowerment of the Executing Court/Executing Forum concerned, and, would also render *functus-officio* the solitarily vested jurisdictional empowerment in the able Forum, to execute the order, as pronounced by the Competent Statutory Authorities concerned.

4. Therefore, the prayer made in the instant petition, for a mandamus being made to execute the orders, passed against the encroachers concerned, cannot be granted.

5. Nonetheless, the learned counsel for the petitioner seeks, and, is permitted to withdraw the petition. Permission granted. Dismissed as withdrawn.

6. However, the Executing Court/Executing Forum concerned, seized with Annexure P-3, is directed to expeditiously make an order for the completest execution of the concurrently made verdict(s) of eviction against the encroachers, but only after his hearing the objections, if any. Subsequently, he shall record satisfaction that the verdict strived to be executed, has been put to the fullest execution. The above be done within a period of four months from today.

(SURESHWAR THAKUR)
JUDGE

10.01.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:

Yes/No