

CWP No. 7723 of 2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 7723 of 2023
Date of Decision: 17.04.2023

Mani Ram Sharma

....Petitioner

Versus

State of Haryana and Others

....Respondents

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

Present: Mr. Aman Redhu, Advocate
for the petitioner.

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

SURESHWAR THAKUR, J. (ORAL)

1. Though, this Court on 28.03.2023, upon CWP-6432-2023, had made the hereinafter extracted order:-

“Disposed of with a direction to the learned Executing Court concerned, to in terms of the conclusive, and binding decision as made on the application under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (as applicable to Haryana), hence make a decision on the opposite execution petition, as carried in Annexure P-2. The said decision be ensured to be made within 6 weeks from today, but after hearing the judgment debtor(s) concerned.”

2. However, it is stated, at the bar, by the learned State counsel, that a day prior to the making of the order (supra), an application was instituted before the learned Assistant Collector concerned, by the encroachers concerned, seeking the setting aside of the order, whereby they had been proceeded against ex parte, but leading to an ex parte verdict of eviction, being made against them, in respect of the petition land.

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3. Therefore, in the larger interest of justice, and, to ensure, that the judgment debtors concerned, are not adversely prejudiced through this Court yet insisting upon the order (supra) being enforced by the learned Executing Court concerned, despite the above application being subjudice before the Assistant Collector concerned. Resultantly, the order made by this Court (supra), may not be enforced till a lawful decision on the said application is made by the learned Assistant Collector concerned. Moreover, it is further clarified that the order (supra), may carry the requisite effect, only when a binding, and, conclusive decision, in accordance with law, is made, upon the petition filed by the aggrieved concerned, under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, before the Assistant Collector concerned. Moreover, the Assistant Collector concerned, wherebefore the said application is filed, is directed to make a lawful decision on the said application but after hearing all the affected persons concerned, but positively within 8 weeks from today.

4. With the afore observations, the instant petition is disposed of.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

April 17, 2023
pchawla

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