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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision : April 17, 2023

MANI RAM SHARMA

-Petitioner

V/S

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. The petitioner herein instituted a petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, before the learned Collector concerned. The petition (supra) became assigned case No.123 V.C.L., and, thereon an eviction order was passed on 11.09.2014. Subsequently, the petitioner filed an application, as carried in Annexure P-2, for executing the eviction order (supra), as became passed by the learned Assistant Collector concerned. The application (supra) for execution, yet remains unenforced rather at the instance of the learned Assistant Collector. Therefore, the petitioner is driven to access this Court, for a mandamus being made, upon, the learned Assistant Collector concerned, to ensure that a lawful order is passed on the execution application, as carried in Annexure P-2.

2. If, as a matter of fact, the eviction order, as carried in Annexure P-1, has acquired a binding, and, a conclusive effect, inasmuch as, it remaining unappealed, before the learned competent appellate authority

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concerned, thereupon alone Annexure P-1 is required to be ensured to be forthwith fully executed by the learned Assistant Collector concerned. However, if Annexure P-1 has yet not acquired any binding, and, a conclusive effect, inasmuch as, the aggrieved therefrom rearing an appeal thereagainst, before the competent appellate authority concerned, thereupon the learned Assistant Collector concerned, may not draw any lawful order upon Annexure P-2, but may await a final, and, a conclusive decision being made thereon, by the competent appellate authority concerned.

3. With the above made observations, the instant writ petition, is closed, and, is disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

April 17, 2023
pchowla

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