

In the High Court of Punjab and Haryana at Chandigarh

**CWP No. 8069 of 2023
Date of Decision: 20.4.2023**

Captain Prabhu Dayal Yadav

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Atul Yadav, Advocate
for the petitioner.

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

SURESHWAR THAKUR, J. (ORAL)

1. The prayer made in the instant petition, is for a mandamus being made, upon the learned Executing Court concerned, to enforce the concurrently made decrees of eviction, as became passed in respect of the petition lands, which are disclosed to be shamilat deh lands.

2. The present petitioner, is, the decree holder of the said verdicts, and, has made the above prayer before this Court. However, the said prayer cannot be accepted, at this stage, by this Court, as the remedy, at this stage, available to the petitioner to enforce the binding, and, conclusive decrees, if any, of eviction, as became passed against the judgment debtor concerned, is, the institution of an execution petition, before the learned Court of first instance, or before the learned Executing Court concerned. Importantly when this Court is not the Court of first instance, nor is the Executing Court. Contrarily, when the Court of first instance or the Court of the Executing Court, is, the Court of the Assistant Collector concerned.

3. Therefore, the decree holder, the petitioner herein is permitted to,

within a week hereafter, institute an execution petition, before the Assistant

Collector concerned, seeking efficacious, and, completest execution of the concurrently made decrees of eviction, as became passed by the learned statutory authorities below. On such a petition, being filed before the learned Assistant Collector concerned, the latter shall issue notice to the judgment debtors concerned, and, thereafter make a lawful objective decision on the application (supra), in respect of the completest, and, efficacious execution, being made of the concurrently made decrees of eviction, as became passed by the statutory authorities below.

4. The petition stands disposed of.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

April 20, 2023
Gurpreet

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