

107

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

CWP-12418-2022 (O&M)
Date of decision:19.01.2023

GRAM PANCHAYAT TARANJIKHERA

...Petitioner

Versus

STATE OF PUNJAB AND ORS

...Respondents

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

Present: Mr. Amit Kumar Walia, Advocate
for the petitioner.

Mr. Navneet Singh, Sr. DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

CM-17283-2022

Allowed as prayed for.

CWP-12418-2022

1. Gram Panchayat Taranjikhhera, Tehsil Sunam, District Sangrur received affirmative orders on its petition cast under Section 7 of The Punjab Village Common Lands (Regulation) Act, 1961, hence from both the Authorities below. The respondents concerned, were ordered to be evicted from the writ khasra numbers, which became concluded by both the Authorities below, to be encroached upon by the respondents herein, as thereons existed a Chapper Tobha (Pond), and, that it was meant for the common purpose of the entire village proprietary body, and/or, was not meant for any construction becoming raised thereons, by any person concerned.

2. The respondents concerned, had challenged the orders, as made by both the Authorities below, and, as become respectively enclosed in Annexure P-2, and, in Annexure P-5. Therefore, both the above made concurrent orders have conclusive and binding effect, and, they were required to be completely enforced besides executed, but the said execution and enforcement of the above made concurrent orders, could be validly made only through an execution petition, becoming preferred by the petitioner herein before the Court of the learned Collector concerned, as the latter was the Court of first instance, rather for ensuring the makings of the completest execution and enforcement, of the said order(s).

3. Be that as it may, though the learned Collector concerned, through the making of Annexure P-6, proceeded to issue warrants of possession, in respect of the writ khasra numbers, but instead of ensuring that Annexure P-6 becomes completely executed and enforced at his instance, given his manning the Court of first instance, besides his manning the jurisdictionally empowered Executing Court, yet he as becomes unfolded by Annexure P-7, delegated his jurisdictional empowerment to the Block Development and Panchayat Officer.

4. The above delegation of jurisdictional empowerment, by the learned Collector concerned, to the above Officer, to hence cause the enforcings and execution, of the above concurrent orders, is in open breach of the statutory procedure, which otherwise required, *qua* the above concurrent orders, becoming executed by him, than through his making an untenable delegation of his jurisdiction, as, made through Annexure P-7, to the Block Development and Panchayat Officer concerned. The above delegation is also a gross abandonment of the able jurisdiction vested in the learned Collector concerned.

5. Thus, the instant writ petition which has been instituted before this Court at the instance of the petitioner herein, cannot be allowed, at this stage, as the petitioner herein has a remedy alternative, to the instant writ petition, inasmuch as, its promptly instituting an execution petition before the learned Collector concerned, who shall thereafter proceed to, in accordance with law, completely execute and enforce the above concurrent orders.

6. Therefore, the instant writ petition is, not maintainable, at this stage, and, is however disposed of, but with a direction to the petitioner herein to cast within a fortnight, an execution petition before the learned Collector concerned, who shall subsequently, in accordance with law, ensure that the above concurrently made orders in favour of the petitioner, are completely enforced, and, executed.

7. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

19.01.2023

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(KULDEEP TIWARI)
JUDGE

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