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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-12023-2020 (O&M)

Date of decision:04.05.2023

MOHAN LAL

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Mr. Ajay Jain, Advocate  
for the petitioner.

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

Mr. S.S. Khurana, Advocate  
for respondent No.6.

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**SURESHWAR THAKUR, J. (ORAL)**

1. The writ petitioner becomes aggrieved from Annexure P-7, besides from Annexure P-10 and Annexure P-14, whereby respectively, the learned Assistant Collector concerned, drew the warrants of possession, thus for ensuring the makings of the completest execution of a conclusive, and, binding decree(s) of eviction, as became made by the learned Collector concerned, on 07.12.1993, upon File No.366/113/VCL, and, the warrants of possession became re-sent for their execution to the Officer concerned, besides a dismissal verdict became made, upon, a revision petition, as laid before the Revisional Authority concerned, against the purported invalidity, in the issuance of warrants of possession. The warrants of possession became issued in pursuance to a binding, and, conclusive verdict (supra), as made on a petition cast, under Section 7 of The Haryana Village Common Lands (Regulation) Act, 1961 (hereinafter

referred to as “the Act”). The parties at contest, do not wrangle, over the factum that the verdict of eviction, as enclosed in Annexure P-2, has acquired binding, and, conclusive effect, thus through it becoming upheld upto the Hon’ble Apex Court.

2. Therefore, but obviously the said binding and conclusive verdict of eviction, as made against the petitioner herein was required to be put to completest execution, and, also for the afore purpose the warrants of possession were required to be drawn, and, also were required to be completely enforced against the encroachers over the panchayat land.

3. The resistance to the warrants of possession which but resulted in a dismissal order being made by the Revisional Authority, through the making of Annexure P-14, has yet led the petitioner to constrain this Court to declare that the decree of eviction is unexecutable. The said argument becomes rested on the plank, that in the eviction petition, as also in the warrants of possession, the disputed lands are shown to be existing in the territorial domain of Gram Panchayat Jadthal, whereas, in the report of the Warrant Officer concerned, (Annexure P-9), there is a speaking about his inability to execute the warrants of possession on the premise, that the disputed lands though shown therein to fall in village Jadthal, yet of now thus fall within the territorial jurisdiction of Gram Panchayat Panchgaon.

4. If as a matter of fact, at the stage of the initiation of the proceedings against the petitioner before the learned Collector concerned, thus Gram Panchayat Panchgaon rather had come into existence, thereby the Sarpanch of Gram Panchayat Jadthal, was not ably empowered to institute an able petition under Section 7 of the Act, thereby seeking the eviction of the encroachers from the disputed lands.

5. Though, in the above regard, a vociferous submissions is made by the learned counsel for the petitioner, but the most forth right evidence which exists on record, and, which but works the estopping principle of *res judicata* against the petitioner herein, thus barring him raise such objections, hence become comprised in the hereinafter referred documents.

I) It is apparent on a reading of the reply, as, became instituted by the writ petitioner to the eviction petition bearing No. 366/113/VCL, that though therein the said objection was raised, but however despite the said objection being raised, thus *subjudice* the proceedings, as, became undertaken on the said petition, by the learned Collector concerned, on a petition cast under Section 7 of the Act, yet an affirmative order, becoming made thereons, rather also resulting in the same becoming affirmed upto the Hon'ble Apex Court.

6. Therefore, the conclusion therefrom is but, that the said objections were well considered, and, therefore resulted in the Hon'ble Apex Court, declining to, on the above score, make any interference with the verdicts of eviction, as, become previously made, whereby the petitioner and others were declared to be encroachers, upon, the disputed lands. The effect of the above conclusive rejections of the above objection, is, thus completely binding, irrespective of the fact, that now or subsequent thereto or in contemporaneity to the filing of the eviction petition, the disputed lands concerned, rather were within the territorial domain of either Gram Panchayat Jadthal or within the territorial domain of Gram Panchayat Panchgaon. The necessary consequence thereof, is that, the objections (*supra*), which yet are now raised, thus on similar lines rather are completely insignificant, and/or, are deemed to be frivolously raised but merely to prolong the execution of the warrants of possession. Thus, the said objections are also pretextual, and, are required to be discountenanced.

II. The resolution as appended to the reply of the respondents, thus when on its reading reveals, that the said resolution thereby authorized the Sarpanch of the Gram Panchayat Jadthal, to institute

an eviction petition. Moreover, when the said resolution also carries thereons the signatures of the Sarpanch of the Gram Panchayat Panchgaon. Therefore, the authorization bestowed through said resolution, when also carries thereons the signatures of the Sarpanch of Gram Panchayat of Panchgaon, thus the said resolution, can become construed to be conferring a valid authorization, upon, the Sarpanch of the Gram Panchayat Jadthal, to institute an able petition under Section 7 of the Act, before the learned Collector concerned.

7. In consequence, it appears that there was certain codal formalities which were required to be completed, in respect of transfer of all rights and liabilities, in pursuance to the constitution of new Gram Panchayat Panchgaon, from the territorial domain of Gram Panchayat Jadthal. Therefore, pending such completion of formalities, thus led the Sarpanch of Gram Panchayat Panchgaon, to yet authorize the Sarpanch of Gram Panchayat Jadthal, to institute an eviction petition.

8. Cumulatively in the face of the above,, this Court finds no merit in the instant petition, and, the same is dismissed. The Officer executing the warrants of possession is directed to ensure that within two weeks from today, he executes the same, and, thereafter makes a report to the Assistant Collector concerned, to enable him to draw a completest and efficacious objective satisfaction about an able execution being made of the warrants of possession.

9. No order as to costs.

10. Pending miscellaneous application(s), if any, stand(s), disposed of.

**(SURESHWAR THAKUR)**  
**JUDGE**

**04.05.2023**

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**(KULDEEP TIWARI)**  
**JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:**

**Yes/No**