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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-12745-2023

Date of decision:02.06.2023

BALJEET SINGH

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Mr. Yagsimant Attri, Advocate
for the petitioner.

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

SURESHWAR THAKUR, J. (ORAL)

1. The learned counsel for the petitioner submits, that the present petitioner is the recipient of binding, and, conclusive verdicts of eviction, as became passed by the competent Statutory Authorities. However, yet he submits that the said conclusive, and, binding verdicts of eviction, as passed in respect of the disputed lands rather remained unenforced, and, unexecuted.

2. However, the said prayer would be acceptable before this Court only if an execution petition, for enforcing the said concurrently made verdicts of eviction, despite becoming instituted, yet the learned Executing Court, rather delaying the makings of completest, and, efficacious execution of the concurrently made verdicts of eviction. However, today it is stated before this Court by the learned counsel for the petitioner, that the said execution petition, for thus enforcing the binding, and, conclusive verdicts of eviction, as passed on a petition, cast under Section 7 of The Haryana Village Common Lands

(Regulation) Act, 1961, before the competent Statutory Authority, rather has not been instituted before the learned Assistant Collector concerned.

3. In the wake of the non institution of the above execution petition, thus the mandamus as asked from this Court, that yet a direction be issued, upon the learned Executing Court, to enforce the binding, and, conclusive verdicts of eviction, as passed against the judgment debtor concerned, rather cannot be passed, as thereupon this Court, at this stage, would untenably assume the jurisdiction of the learned Executing Court.

4. In the wake of the above, the instant petition is disposed of, with a direction to the petitioner to forthwith institute an execution petition before the learned Executing Court, thus for ensuring the completest, and, efficacious execution, being made of the binding, and, conclusive verdicts of eviction, as became passed by the Statutory Authorities below. On the said execution petition being forthwith instituted, the learned Executing Court concerned, shall most expeditiously pass lawful orders thereon, but after hearing all affected persons concerned.

(SURESHWAR THAKUR)
JUDGE

02.06.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

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