

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

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CWP-13421-2023

Date of Decision : July 24, 2023

GURMEET SINGH AND OTHERS

-Petitioners

V/S

STATE OF PUNJAB AND OTHERS

-Respondents

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

Present : Mr. Balbir Singh, Advocate
for the petitioners.

SURESHWAR THAKUR, J.(ORAL)

1. The present petitioners are aggrieved from the issuance of warrants of possession, by the learned executing court concerned, whereby, the latter has taken to assume possession of the petition lands from the petitioners, and, to deliver possession thereof, to the Gram Panchayat concerned, the decree-holder in the verdicts of eviction, as became pronounced by the statutory authorities below.

2. The learned counsel appearing for the petitioners argues, that since this Court had, in the operative part of its verdict drawn on 27.01.2023, upon CWP-27592-2019, operative part whereof becomes extracted hereinafter, thus after dismissing the writ petition (supra), and, thereby affirming the concurrently made orders of eviction, as passed by the statutory authorities below and against the present petitioners/judgment debtors, had assigned liberty to the petitioners, to access the authorities below to make an endeavour to seek alienation of the petition lands. Therefore, he argues, that till a lawful decision is made on such a motion, thus by the competent authority below, thereupto the warrants of possession

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be not executed.

“4. Consequently, though this court does not find any merit in the petition and is constrained to dismiss the same. However, in the larger interest of justice, if the petitioners are entitled to receive the benefit of the relevant rules appertaining to lawful permission being granted to the petitioners to purchase land from the Competent Authority, thereupon, the Competent Authority may proceed to process the resolution of the panchayat concerned, as carried in Annexure P-6 with a proposal therein for the sale of the suit land being made to the petitioners herein. The above processing shall be completed within three months from today but only after an opportunity of hearing being granted to the petitioners herein.

5. Disposed of.”

3. In the light of the above, the learned executing court concerned may permit the petitioners/judgment debtors concerned, to raise objections, but on the above score with respect to the completest execution being made of the warrants of possession. If however, the motion for the relevant purpose is dismissed by the competent authority concerned, thereupon the learned executing court concerned may also dismiss the objections, but anchored upon the above score, and, may thereafter proceed to ensure the completest and efficacious execution thus being made of the concurrently made verdicts of eviction, and, which have become upheld by this Court, through the order (supra).

4. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

July 24, 2023
devinder

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