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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

CWP-13696-2023

Date of Decision : 07.07.2023

M/S AERIAL CONSTRUCTIONS PVT LTD AND ANOTHER
.....Petitioners

Versus

STATE OF PUNJAB AND OTHERS
....Respondents

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

Present : Mr. B.S.Guliani, Advocate
for the petitioners.

Mr. Avinit Avasthi, AAG, Punjab.

SURESHWAR THAKUR, J. (Oral)

1. The present petitioners are the judgment debtors in case No.LDH/DDPO/SEC/2022/001114 which was decided on 13.03.2023 by the learned Collector concerned while exercising jurisdiction under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961.

2. Since the above verdict was not put to efficacious execution at the instance of the authority concerned. Therefore, the Gram Panchayat, Village Balloke, the decree holder in the said verdict instituted Civil Writ Petition No. 10896 of 2023. Through a decision made thereons on 22.05.2023 (Annexure P-1), this Court had made the hereinafter extracted directions.

“1. Given the statement made, at the bar, by the learned counsel for the petitioner, that Annexure P-2, thus ordering for eviction of the respondents

concerned, from the panchayat land(s), hence has acquired finality and conclusivity. Therefore, reserving to the petitioners, the remedy of instituting an apposite execution petition, before the learned Collector concerned, the instant petition is closed, thus in view of the above available alternative remedy, rather for ensuring an efficacious execution of Annexure P-2.

2. In view of the above, the instant petition is disposed of, with liberty to the petitioners herein, to forthwith institute an execution petition, before the learned Collector concerned, who shall, on receiving such an execution petition, if not already filed, make appropriate orders thereons, and, after ensuring the issuance of warrants of possession, if not already issued, he shall on return of such warrants of possession, ensure the recordings of objective satisfaction, that the completest execution of Annexure P-2, thus has been made.

3. However, in the above procedure, the learned Collector concerned, shall give an opportunity of hearing to the judgment debtors concerned.”

3. Be that as it may, at the instant stage, the judgment debtors (supra) in the above eviction petition thus become aggrieved by the said order, inasmuch as they contend that the said verdict has not yet acquired finality and conclusivity, as they have instituted an appeal against the verdict (supra), as made by the Collector concerned. Therefore, they pray that in case the order (supra), as made by this Court, is yet permitted to hold force, resultantly the rights, if any, on the disputed lands, which purportedly vest in the judgment debtors, thus shall become prejudiced and shall also become jeopardized. Therefore, obviously for meteing complete justice to the judgment debtors, who have stated to have filed an

appeal, thus challenging the verdict (supra), this Court deems it fit and

appropriate that the order (supra) (Annexure P-1) made by this Court may not be enforced. However to provide justice to the litigants concerned, especially on anchor of paragraph No. 3 occurring in the verdict (Supra) drawn by this Court, whereby an opportunity has been assigned to the judgment debtors to raise objections to the execution petition, as may be filed or as may be subjudice before the Collector concerned. Resultantly the said facet of an appeal being filed against the verdict (supra), drawn by the Collector concerned, be brought to the notice of the Executing Court concerned, and or, if any apposite order is made on any interim application instituted within the statutory appeal, thus by the competent Appellate Authority concerned, to also place the said order before it.

4. Moreover, the Appellate Authority is directed to within four months from today make a lawful speaking decision on the apposite statutory appeal.

5. An authenticated copy of this order be supplied to the counsel for the petitioners under the signatures of the Bench Secretary of this Court.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

07.07.2023

kavneet singh

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