

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

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CWP-18336-2022

Date of Decision : 11.01.2023

KULWINDER SINGH

.....Petitioner

Versus

STATE OF HARYANA AND ORS.

....Respondents

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

Present : Mr. N.P.Bhardwaj, Advocate
for the petitioner.

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

SURESHWAR THAKUR, J. (Oral)

1. The learned counsel appearing for the petitioner, as well as, the learned State counsel jointly submit before this Court that the order carried in Annexure P-1, wherethrough the respondents therein were ordered to be evicted from the Panchayat land, has attained conclusivity and finality, as no challenge thereto has been thrown nor the said challenge has succeeded.

2. Though in face of the above conclusivity being acquired by the order enclosed in Annexure P-1, the remedy available to the Gram Panchayat was to seek its enforcement and execution, through its accessing the Court of first instance, through its instituting therebefore, an execution petition, but yet one Kulwinder Singh, the petitioner herein, who was not a party in the *lis*, whereons Annexure P-1 became pronounced, rather has accessed this Court for a mandamus being made upon the respondents concerned, to ensure the completest execution of Annexure P-1.

3. The above motion as cast by Kulwinder Singh, who is not a party to the *lis* whereon Annexure P-1, was passed, is a completely mis-constituted motion, thus, this Court finds no merit in the petition and is constrained to dismiss it.

4. Be that as it may, even if Kulwinder Singh has no valid *locus standi* to ensure the completest execution of Annexure P-1, at the instance of Court of first instance, but yet the Gram Panchayat, Kalri Khalsa, in whose favour order enclosed as Annexure P-1 has been passed, may in accordance with law, but within one month from today ensure the execution of Annexure P-1, through its making an execution petition before the learned Court of first instance.

5. If the above execution petition is filed within a period of one month from today, thereupon, the learned Executing Court shall in accordance with law, ensure the completest execution of Annexure P-1, besides shall record therein that the completest satisfaction, is made, in respect of the execution of the executable orders, as enclosed in Annexure P-1.

6. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

11.01.2023
kavneet singh

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