

110

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

CWP-15474-2023

Date of decision:21.07.2023

HEERA SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

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

Present: Mr. Gobind Singh Randhawa, Advocate
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant writ petition, the petitioner claims the making of a mandamus, upon the respondents concerned, to ensure eviction of the co-respondents No.9 to 11 from the petition lands, as it is averred in the petition that the said respondents have encroached upon the land owned, and, possessed by Panchayat Deh.

2. The said relief was permissible to be granted only when there were binding, and, conclusive verdicts of eviction, thus passed by the Statutory Authority(ies) concerned, and, despite an execution petition being filed, yet the said execution petition being not put to prompt, and, efficacious execution. However, the above parameter(s) is not satisfied in the instant case, as neither any binding, and, conclusive verdict of eviction, has been passed against the respondents concerned, nor any execution petition has been subsequently instituted nor the said execution petition has been averred to be not put to the

promptest and efficacious execution. Contrarily, with no eviction petition being filed, yet the above mandamus is claimed against the respondents concerned.

3. The asking of the above mandamus, at this stage, thus without the entire statutory procedure for the relevant purpose rather being initiated nor becoming concluded, thus is a completely mis-constituted recourse, and, thereby at this stage the writ petition is dismissed as such.

4. However, in the larger interest of justice, the respondents concerned, are directed to ensure, that an eviction petition be forthwith filed either at the instance of the Sarpanch of the Gram Panchayat concerned, or at the instance of the BDPO concerned, thus before the learned Collector concerned. On such a petition being filed within a fortnight from today, the learned Collector concerned, shall after hearing all concerned, pass a lawful speaking order thereons.

5. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

21.07.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

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