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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-26884-2015

Date of decision:07.12.2023

BANT SINGH (SINCE DECEASED) THROUGH HIS LRs AND
OTHERS.

...Petitioners

Versus

DIRECTOR RURAL DEVELOPMENT AND PANCHAYAT, PUNJAB
AND ORS.

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. B.K. Saini, Advocate
for the petitioners.

Mr. Maninder Singh, DAG, Punjab

Mr. Akshay Sandhir, Advocate
for respondents No.5 and 6.

SURESHWAR THAKUR, J. (ORAL)

1. Since Bant Singh, the predecessor-in-interest of his LRs, who have as such become substituted in his place, in the array of petitioners, through an order made by this Court, on 17.02.2023, is apparently not the decree-holder, vis-a-vis, the concurrently made verdicts of eviction, pronounced by the statutory Authorities below. Moreover, since the said verdicts of eviction have been stated, at the bar by the learned State counsel, to be made successfully enforced, through successful execution of warrants of possession vis-a-vis the estates of the judgment-debtors concerned.

2. Therefore, when neither the said Bant Singh nor his successors-in-interest have any locus standi to institute the instant writ petition before this Court claiming therein relief, that even after successful execution of warrants of possession, yet encroachments have been made on the lands of the decree-holders, thus the Gram Panchayat Jand Mangoli, Tehsil Rajpura, District Patiala through its Sarpanch be removed.

3. In consequence, the instant writ petition is mis-constituted, and, is dismissed as such, but leaving liberty to the decree-holder i.e. Gram Panchayat Jand Mangoli, Tehsil Rajpura, District Patiala, through its Sarpanch, to in case a re-entry is made, upon the land in respect whereof the warrants of possession became successfully executed, to thus draw lawful action, as deemed fit, in accordance with law rather against the judgment-debtors concerned.

4. The learned counsel for the petitioners draws the attention of this Court to the hereinafter extracted condition, as made in a verdict pronounced by this Court, on 29.04.2016, upon COCP-312-2013.

“A sum of Rs.50,000/- were deposited by the petitioner in terms of the order dated 4.9.2015 for testing the bonafide of the petitioner. In case the stand of the petitioner is sustained regarding encroachment by the private respondents, the petitioner may be entitled to refund of the amount.”

5. He submits, that since the instant writ petition has been dismissed for lack of locus standi inhering in the petitioners, and, also submits, that since the encroachment, as made by the private respondents concerned, on the land owned by the Gram Panchayat concerned, is also

revealed, by a demarcation report placed on record. Therefore, and, besides when liberty has been assigned to the Gram Panchayat concerned, to institute but post verdicts of eviction, and, post the successful execution of warrants of possession, or thus draw lawful motions, against those judgment-debtor, who have made a re-entry, upon, the disputed lands.

6. Consequently, the learned counsel for the petitioners argues, that in terms of the said conditional order, when there is no finding, that the instant petition is ill completely constituted, thereby the said deposited sums of money be returned to the present petitioners. Without at this stage entering into the validity of the above submission, this Court deems it fit, and, appropriate, to, yet await the makings of conclusive and binding decisions of eviction by the statutory Authorities below on the relevant petition or on such other motion being drawn by the Gram Panchayat concerned, against the private respondents concerned. Therefore, only subsequent thereto(s) the claim for release can become ventilated before this Court.

(SURESHWAR THAKUR)
JUDGE

07.12.2023

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(SUDEEPTI SHARMA)
JUDGE

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