

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-17306-2023

Date of Decision : August 09, 2023

RAM PAL

-Petitioner

VERSUS

ASSISTANT COLLECTOR, 1ST GRADE REWARI AND OTHERS

-Respondents

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

Present : Mr. Jayant Yadav, Advocate for
Mr. P.R. Yadav, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana with
Mr. Saurabh Mago, DAG, Haryana.

SURESHWAR THAKUR, J.(ORAL)

1. The present petitioner, applicant in File No.164/V.C.L./2014, secured an affirmative decision thereon, on 15.07.2016. The said decision, on the file (supra), is embodied in Annexure P-1. A reading of Annexure P-1 reveals, that the defendants/judgment debtors therein, were ordered to be evicted from the rasta concerned.

2. Though the learned counsel appearing for the present petitioner, applicant in case (supra), submits that Annexure P-1 has acquired a binding and conclusive force, as no appeal thereagainst has been instituted by the respondents/judgment debtors concerned, before the appellate authority concerned. However, the learned State counsel submits, that he has no positive instructions in the above regard.

3. Consequently, if Annexure P-1 has been affirmed by the appellate authority concerned, thereby if it has acquired a binding and

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conclusive force, and/or, if Annexure P-1 has remained unappealed before the appellate authority concerned, and as such, has thus acquired a binding and conclusive force. Resultantly, the remedy available to the petitioner, decree holder in Annexure P-1, is not to access this Court, thus for executing the said Annexure, but the remedy available to the petitioner/decreed holder, is to institute an execution petition, before the learned Assistant Collector concerned, who, on receiving the said execution petition, shall make a lawful speaking decision thereon, but positively within a period of four months from today, and, after affording an opportunity of hearing to all concerned.

4. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

August 09, 2023
devinder

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