

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-18321-2023

Date of Decision : August 22, 2023

JAGTAR CHAND

-Petitioner

V/S

STATE OF HARYANA AND OTHERS

-Respondents

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

Present : Mr. Maninder Arora, Advocate
for the petitioner.

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

SURESHWAR THAKUR, J.(ORAL)

1. The present petition is filed by one Jagtar Chand, thus seeking a mandamus, upon, the executing court concerned to enforce Annexure P-2, which is a verdict drawn by the learned Assistant Collector concerned, in a *lis inter se* the Gram Panchayat, Nayagaon and one Dayala.

2. The *lis* (supra) became drawn before the Assistant Collector concerned, under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, thus seeking eviction of the respondent therein, from the lands concerned.

3. Though the present petitioner is not impleaded as a party to the *lis* (supra). Paramountly also, when he is not a decree-holder, rather when the Gram Panchayat concerned is the decree-holder, thereupon, when *prima facie* he has no locus standi to maintain the instant writ petition claiming a mandamus being made, upon, the executing court concerned, to enforce Annexure P-2. However, yet the petitioner has motioned this Court, with the relief (supra).

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4. Apparently, thereby the instant petition is misconstituted, and, deserves rejection.
5. However, in the larger interest of justice, so as to ensure, that only for want of any delay, which has occurred on the part of the executing court concerned, to enforce Annexure P-2, that the said Annexure, if it has acquired finality and conclusivity, that this Court deems it fit and appropriate, irrespective of the locus standi of the present petitioner to maintain the instant petition, to make a direction, upon, the decree-holder concerned, to through its Sarpanch, forthwith institute, if not already institute, an execution petition before the learned Assistant Collector concerned. However, if the said execution petition is already subjudice before the learned Assistant Collector concerned, thereupon, the latter is directed to expeditiously conclude the said proceedings, but after hearing all affected persons concerned.
5. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

August 22, 2023
devinder

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