

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

**COCP-2506-2021 (O&M)
Date of decision: 05.01.2023**

Mahender Singh

...Petitioner

Versus

Aneesh Yadav, IAS and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sushil Kumar Verma, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner alleges the disobedience of the order dated 06.09.2000 passed by the Civil Judge (Jr. Divn.), Sirsa as well as the judgment and decree dated 07.06.2002 passed by the Additional Civil Judge (Sr. Divn.), Sirsa.

A perusal of the aforesaid judgment reflects that a decree was passed in favour of the petitioner that he will not be dispossessed, except in due course of law.

Separate replies have been filed by respondent No. 2-BDPO, Tehsil Rania, District Sirsa as well as by respondent No. 4-Sarpanch of the Gram Panchayat. In reply, it is stated by the BDPO that in the proceedings under Section 7 of the Punjab Village Common Lands (Eviction and Regulation) Act, 1961, an order of eviction was passed against the petitioner on 05.11.2012 and a penalty @ Rs. 10,000/- per annum per acre was imposed on him for using and occupying the panchayat land. It is further stated in reply that after passing of the eviction order, the petitioner

filed the second suit for permanent injunction by concealing the order of eviction, and the said suit was decreed by the civil Court, Ellenabad by observing that “defendant is hereby restrained from dispossessing the plaintiff from suit land, except in due course of law”. It is further stated that order of eviction was passed much prior to the order passed by the civil Court and this Court, vide order dated 01.10.2020 passed in CWP-14662-2020, has directed that all the pending cases of the Gram Panchayat be decided.

It is further stated that in reply that in compliance of the direction given by this Court, in terms of the eviction order, the possession has already been taken from the petitioner on 26.04.2021 and, therefore, the panchayat has taken the possession in due course of law by executing the eviction order.

Learned counsel for the petitioner has not disputed the aforesaid facts.

In view of the above, no case of contempt of Court is made out and the present petition is dismissed.

05.01.2023

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No