

CWP-18541-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-18541-2023 (O&M)
Date of decision:-28.08.2023

Bachna Ram

.... Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vinod Bhardwaj, Advocate and
Mr. Nipun Bhardwaj, Advocate for the petitioner.

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

SURESHWAR THAKUR, J. (Oral)

1. Learned State counsel, upon instructions imparted to him by Ms. Anu Tonk, BDPO Dhand, submits that concurrently made decrees of eviction have been passed in respect of the writ lands, but on a motion made before the statutory authorities concerned, thus by the Gram Panchayat concerned.

2. The learned State counsel further submits, that the said concurrently made decrees of eviction have attained finality and

conclusivity and that thereafter, they have been put to execution before the executing Court concerned, thus, through an execution petition becoming filed before the Assistant Collector concerned.

3. Though in the wake of the Gram Panchayat concerned, thus being the decree holder, and thereby it alone having the locus standi, to institute the instant petition before this Court, but yet only in the event of the executing court, rather evidently omitting to promptly ensure an efficacious execution of the concurrently made conclusive decrees of eviction. However, yet the instant petitioner who was never impleaded as a party in the eviction petitions, rather has motioned this court, thus for certain directions being made upon the learned executing Court concerned, to promptly ensure the utmost efficacious execution of the decrees of eviction.

4. Though the present petitioner is not invested with the requisite locus standi to thus institute in the present petition. However, since the counsel for the petitioner submits that, the gram panchayat concerned is prima facie colluding with the judgment debtors concerned, for as such, the concurrently made decrees of eviction, being not put to promptest efficacious execution. Therefore, this court deems it fit and appropriate to make a direction upon the executing Court concerned, to ensure that in accordance with law, the property involved in the concurrently made conclusive verdicts of eviction are put to the completest and promptest execution.

5. In the above regard, the learned executing Court concerned

is directed, to forthwith, if not already issued, thus draw warrants of possession and ensure that they are executed at the spot, through the seekings of police help, and thereafter, is directed to record an objective satisfaction that as such the warrants of possession, as issued in respect of the petitioner’s property hence becoming thus completely executed.

6. Moreover, the Gram Panchayat concerned may also in respect of the pond land(s), which if are the subject matter of the decrees of eviction, thus may not proceed to make any construction of any rasta thereon.

7. Moreover, money if any, as deposited with the Secretary of Panchayat concerned in respect of a rasta being constructed over the gair-mumkin Rasta-Sare-Aam which is covered within the verdicts of eviction, thus be returned to the office of the Collector concerned.

8. Disposed of.

(SURESHWAR THAKUR)
JUDGE

(MANISHA BATRA)
JUDGE

28.08.2023
pooja saini

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