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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision : May 10, 2023

SANJAY KUMAR

-Petitioner

V/S

STATE OF HARYANA AND ORS.

-Respondents

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

Present : Mr. Rajesh Duhan, Advocate
for the petitioner.

Mr. P.P. Chahar, Sr. DAG, Haryana.

SURESHWAR THAKUR, J.(ORAL)

1. Though this Court on 19.12.2022, has assigned justifiable reasons for the binding and conclusive verdict of eviction (Annexure P-1) remaining unenforced since the date of its becoming drawn on 31.05.1995, but yet it becomes revealed on a reading of the order, as made on the above date, that the said order, thus becoming enforced excepting the removal of a temporary shed existing over the disputed lands. Resultantly, in respect of the above temporary shed alone, it was directed in the order (supra), that a demarcation be carried out, and, the result of the said demarcation be purveyed to this Court.

2. Though on a reading of the direction (supra), as made on 19.12.2022, it becomes manifested, that the binding and conclusive order of eviction (Annexure P-1), has been enforced excepting the removal of a temporary shed from the petition lands. Moreover, though a demarcation has been ordered to be made, whether the temporary shed is existing, upon, the disputed lands. However, this Court deems it fit and appropriate, that the said

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demarcation be forthwith carried out, and, the report of the demarcating officer be placed on record, before the learned executing court concerned, so that he proceeds to draw further action, as deemed fit and appropriate under law, to ensure the removal of the said temporary shed from the lands, owned and possessed by the Gram Panchayat concerned.

3. In view of the above, the petition is closed, but with a direction to the Revenue Officer concerned, to forthwith draw a demarcation report, in respect of the said temporary shed, and, to thereafter furnish the said report before the learned executing court or before the learned Collector concerned, so that appropriate proceedings in accordance with law are taken against the person(s), which have raised the said temporary shed over the disputed lands.

4. In case, the said demarcation report reveals, that as a matter of fact, the afore-stated temporary shed is existing upon lands, owned and possessed by the Gram Panchayat concerned, thereupon the learned Collector concerned or the learned executing court concerned, shall proceed to issue warrants of possession, and, also shall ensure that the warrants of possession are enforced through the said temporary shed existing on the lands, owned and possessed by the Gram Panchayat concerned. Subsequently, he shall draw an objective satisfaction in respect of the said warrants of possession becoming enforced against the said temporary shed. The entire exercise (supra) be ensured to be completed within three months from today.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

May 10, 2023
devinder

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