

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

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CWP-23647-2023

Date of Decision : October 18, 2023

HARBANS SINGH

-PETITIONER

V/S

STATE OF HARYANA AND OTHERS

-RESPONDENTS

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

Present : Ms. Renu Dhull, Advocate
for the petitioner.

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

SURESHWAR THAKUR, J.(ORAL)

1. The petitioner had instituted a case bearing No.14/SDO, on 27.07.2020, before the learned Assistant Collector concerned, thus impleading therein certain respondents, who were alleged to be encroaching upon a *Gair Mumkin Rasta*. The said case was constituted under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as the 'Act of 1961'), thereby seeking eviction of the respondents concerned from the disputed lands.

2. The eviction petition (supra) was affirmatively decided on 05.04.2023, affirmative decision whereof becomes enclosed in Annexure P7.

3. The learned State counsel submits, that the verdict of eviction (supra) has acquired conclusivity and finality, therefore, it was required to be enforced at the instance of the decree-holder concerned, through his constituting an execution petition before the learned executing court concerned.

4. Be that as it may, it appears that the Gram Panchayat concerned, who is not the decree-holder, but rather became impleaded as co-respondent No.7 in the eviction petition (supra), has attempted to thwart the execution of the binding and conclusive verdict of eviction (supra), through its subsequently passing a resolution, thus declaring that the decree is not amenable for becoming enforced.

5. The above Resolution of the Gram Panchayat concerned is not sufficient to scuttle the binding and conclusive effect of Annexure P-7. The reason being, that since the Gram Panchayat concerned was impleaded as co-respondent No.7 in the eviction petition (supra), thereby during the pendency of the said eviction petition, it could have instituted a reply thereto, declaring therein that the eviction petition be dismissed. However, despite the Gram Panchayat concerned becoming impleaded as co-respondent No.7 in the eviction petition (supra), it appears that it did not make the said contest to the said eviction petition. Therefore, subsequent to the passing of the binding and conclusive verdict of eviction (supra), the endeavour of the Gram Panchayat concerned to scuttle the execution thereof, through its passing a Resolution is but personificatory, of its making a collusion with the judgment debtors concerned.

6. In consequence, the Resolution is completely inconsequential. Therefore, a direction is made, upon, the decree-holder concerned to forthwith institute an execution petition before the learned executing court concerned, who shall on receiving the said execution petition, shall conclude the execution proceedings within a period of two months from today, but, after hearing all affected persons concerned.

7. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

October 18, 2023
devinder

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