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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1203-2024
Date of decision: 31.01.2024

SHRI OM ROHILLA
...Petitioner

Versus

STATE OF HARYANA AND OTHERS
...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Shalender Mohan, Advocate
for the petitioner.

Mr. Pradeep Parkash Chahar, Sr. DAG, Haryana with
Mr. Saurabh Mago, DAG, Haryana.

Mr. Chanderhas Yadav, Advocate
for respondent No.5.

SURESHWAR THAKUR, J. (ORAL)

1. Mr. Chanderhas Yadav, Advocate appears on behalf of Respondent No.5, through validly executed vakalatnama, and, the same is taken on record.
2. The instant dispute has generated from an application cast under Section 7 of The Punjab Village Common Lands (Regulation) Act, 1961, becoming instituted by the Gram Panchayat Subana, through its Sarpanch, against the respondents therein, who are the private respondents herein.
3. On the said eviction petition, the learned Assistant Collector

concerned, as unfolded by Annexure P-3, made a verdict of eviction against

the respondents therein. However, the aggrieved therefroms instituted an appeal thereagainst before the learned District Commissioner and Collector, Jhajjar, who through a decision made on 18.10.2011, hence on the statutory appeal bearing No.11/EA/7VCL, thus after setting aside Annexure P-3, proceeded to make a remand of the lis to the learned Assistant Collector concerned.

4. The said order of remand was drawn, on 18.10.2011, but since no decision on the remanded lis become made by the Remandee Authority, thereupon the aggrieved-estate holders concerned, claimed that since they have a right of common user of the *Shamlat Deh* lands, whereons, encroachments have been made, at the instance of the respondents in the eviction petition, rather with the learned Assistant Collector concerned, making prolongation in the making(s) of a valid adjudication, upon the said remanded lis, resultantly thus their interest on the disputed lands becoming direly affected. Consequently, a mandamus is asked to be made, upon the learned Assistant Collector concerned, to forthwith make a decision on the remanded lis.

5. However, today it is stated at the bar, by the learned State counsel, that as of now on 24.07.2018, an affirmative decision on the remanded lis, has been made by the learned Assistant Collector concerned, whereby the relevant eviction petition has been decreed.

6. Nonetheless, the verdict of eviction if has acquired binding and conclusive effect, thereby it be ensured to be forthwith executed, through an execution application being promptly filed before the learned Executing Authority concerned. On the Executing Authority, thus receiving the said

execution application, it shall ensure that the same becomes ensured to be promptly and successfully executed.

7. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

31.01.2024

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(LALIT BATRA)
JUDGE

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