

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119 CWP-6658-2024
Date of Decision: 20.03.2024

Narvir Singh and others
....Petitioners

Versus

State of Haryana and others
....Respondents

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

Present: Mr. M.S.Tewatia, Advocate
for the petitioners.

Mr. Ankur Mittal, Additional Advocate General, Haryana and
Mr. P.P.Chahar, Sr. Deputy Advocate General, Haryana.

Sureshwar Thakur, J. (Oral)

1. Though binding and conclusive verdicts of eviction have been rendered against the present petitioners, as are, respectively carried in Annexures P-4 and P-5. Moreover, when the decree holder concerned, has instituted an execution petition thus for seeking the execution of Annexures (supra). However, the judgment debtors, who are the petitioners before this Court, have attempted to resist the execution of the verdicts (supra), through theirs making the instant petition before this Court, whereby they pray for relief, that a mandamus be passed upon co-respondent No.2 for the latter considering the making of approval to the Panchayat Resolution Annexure P/2.

2. Learned counsel for the petitioners submits that in terms of the relevant rules besides in terms of the relevant notification, the dwelling unit of the present petitioners falls within the permissible limits thereof, for thereby the present petitioners becoming enabled to avail the benefit of the said rules/notifications. However, he submits that the decree holders concerned rather still pressing for executions being made of the annexures (supra), thereupon gross injustice would be meted upon the present petitioners, who were stated to be belonging to the Scheduled Caste category.

3. Though, the above ground may not be a viable ground for creating an obstacle in the Executing Court concerned, drawing warrants of possession, rather for thereby, vacant free delivery of the possession of the disputed lands becoming made to the decree holder concerned.

4. Be that as it may, in view of the above and also if ultimately the present petitioners are found to be covered by the relevant policy, whereupon if yet the dwelling units are permitted to be demolished, thus, gross injustice would be caused to them. Resultantly, for obviating the causing of gross injustice to the present petitioners, this Court directs the co-respondent No.2 to, within the ambit of the relevant rules/notifications, thus, lawfully consider the petitioners' representation Annexure P-3. A lawful decision on the said representation Annexure P-3, shall be made within two months from today, but after hearing all the affected persons concerned. It is expected that till the said period, the Executing Court may not proceed to draw warrants of possession against the estates unlawfully occupied by the present judgment debtors/petitioners before this Court.

5. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

20.03.2024
Varinder Prashad

(LALIT BATRA)
JUDGE

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