

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119

CWP-10297-2024

Date of Decision: 07.05.2024

Balbir Singh and another

....Petitioners

Versus

State of Punjab and others

....Respondents

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

Present: Mr. Mohd. Yousaf, Advocate
for the petitioners.

Mr. Maninder Singh, Sr. Deputy Advocate General, Punjab.

Sureshwar Thakur, J. (Oral)

1. The learned Senior Deputy Advocate General, Punjab, submits that both Annexure P/1 and Annexure P/2, do acquire binding and conclusive effect. The said annexures are passed on an eviction petition cast under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, (hereinafter in short to be referred as 'the Act of 1961').

2. Pertinently, the decision enclosed in Annexure P/1 was rendered on 29.09.2010, whereas, the decision enclosed in Annexure P/2 was rendered on 06.10.2022. However, what anguishes the judicial conscience of this Court, is that, despite binding and conclusive effect(s) being acquired by the said annexures, yet theirs remaining unenforced till now. The above lack of prompt enforcement of Annexures P/1 and P/2, exemplifies the indolence besides reflects the lack of diligence, on the part of the decree holder Gram Panchayat

concerned. Consequently, it appears that the decree holder(s) Gram Panchayat concerned, prima facie are in cahoots with the respondents in the said petition. Resultantly, therebys, there are delays in the preferment of execution petition(s) concerned, at the instance of the decree holder Gram Panchayat concerned(s), besides thereby there is lack of effective executions thereof being made at the instance of the Executing Courts concerned.

3. Resultantly, a mandamus is passed upon the decree holder Gram Panchayat concerned, to within a period of one week from today, ensure that the execution petition(s) concerned, become instituted before the learned Collector concerned, for therebys efficacious execution being made of Annexures P/1 and P/2.

4. It is further clarified that if the said execution petitions are sub judice before the Collector concerned, and, warrants of possession become already issued, thereupon the Execution Courts concerned, are directed to ensure that such made warrants of possession are successfully and completely enforced.

5. The learned Senior Deputy Advocate General, Punjab, submits that on account of lack of proper assistances becoming purveyed by the Revenue Officer concerned, rather for enabling the makings of demarcations of the disputed sites, that the warrants of possession as become issued, rather remain unexecuted.

6. If so, the jurisdictional Tehsildar concerned, is directed to within a week from today, appoint an empowered Revenue Officer to make valid demarcation of the disputed sites. The said demarcation report, shall within a

week from its drawing, shall become placed before the Collector concerned, who shall in terms thereof, thus draw warrants of possession for theirs becoming executed by the Warrant Officer concerned.

7. After allowing the instant writ petition, thus with the above said directions, a note of caution is sounded against the jurisdictional Tehsildar concerned, for his failure to effectively respond to repeated requests as made to him, to appoint an empowered Revenue Officer, thus for making valid demarcation(s) of the disputed sites, for therebys, valid execution being made of the warrants of possession, as become earlier issued by the learned Collector concerned.

8. Disposed of accordingly along with all pending applications, if any.

(SURESHWAR THAKUR)
JUDGE

07.05.2024
Varinder Prashad

(LALIT BATRA)
JUDGE

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