

2024:PHHC:077738-DB



**110 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

**CWP-11836-2024 (O & M)
Date of Decision : 30.05.2024**

KRISHAN KUMARPetitioner

Versus

STATE OF HARYANA AND OTHERSRespondents

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

Present : Mr. Sunil Kumar Nehra (Sirsa), Advocate with
Ms. Rajeshwari Nehra, Advocate
for the petitioner.

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

SURESHWAR THAKUR, J. (Oral)

CM-9261-CWP-2024

1. The application is allowed subject to all just exceptions
and the photograph annexed with the application is taken on record as
Annexure P-9.

Main case.

2. The present petitioner had earlier instituted CWP-8986-
2024 before this Court. A decision became passed on the said writ
petition on 23.04.2024, decision whereof becomes extracted
hereinafter.

*“....The learned Additional Advocate General, Haryana, on
instructions from Mr. Ravinder Dalal, D.D.P.O., Fatehabad, submits
that verdicts of eviction respectively embodied in Annexures P1 to P-
5, were unsuccessfully assailed through appeals thereagainst,
becoming preferred before the competent Appellate Authority,*

2024:PHHC:077738-DB



therefore, he submits that, the said verdicts of eviction acquire binding and conclusive effect. Resultantly, for ensuring that the said binding and conclusive verdicts become enforced, thereby the Sarpanch of the decree holder Panchayat, shall, promptly hereafter institute an execution petition before the learned Executing Court concerned. On such an execution petition being filed, thereupon the Assistant Collector concerned, shall within a period of three weeks thereafter, thus proceed to ensure the drawings of warrants of possession besides, shall ensure the makings of successful execution thereof, so that thereby the said verdict(s) of eviction become executed in entirety.....”

3. The petitioner in the said writ petition has re-accessed this Court on the ground that the said order remains uncomplied with.

4. The Deputy Commissioner, Fatehabad has filed an affidavit appending therewith certain affidavits becoming sworn by the encroacher(s) upon the subject lands. A reading of the said affidavits though reveals that they have voluntarily surrendered their unauthorized possession over the subject lands.

5. Nonetheless, unless the orders (supra), as became passed became complied with at the instance of the Sarpanch of the decree holder -Gram Panchayat concerned, inasmuch as, his proceeding to in terms of the directions passed upon him taking to institute an execution petition before the learned Executing Court and subsequently an order of satisfaction becoming recorded by the Assistant Collector concerned, that the warrants of possession, as became issued, thus have been satisfactorily executed as such. Resultantly on the above ground alone the Deputy Commissioner, Fatehabad could conclude, that as such the binding and conclusive decrees of eviction, as became passed in respect of the subject lands thus have become completely and successfully enforced.

2024:PHHC:077738-DB



6. On the other hand, the Deputy Commissioner, Fatehabad has remained completely ignorant and unmindful of the above observations besides appears to be completely unaware of the orders (supra) passed by this Court. He is directed to be more careful in future in his proceeding to file affidavits before this Court, whereby directions are passed upon him to ensure that completest compliance is made to the earlier directions passed by this Court.
7. Though this Court would have deemed it fit and appropriate to initiate proceedings for contempt against the Sarpanch of the decree holder-Gram Panchayat concerned but since the Sarpanch of the Gram Panchayat concerned namely Sh. Ramesh Kumar is present in the Court today and apologizes for his errant conduct. Resultantly, the said tendered unconditional apology is accepted. Consequently, this Court does not proceed to issue any contempt notice upon him.
8. The execution petition be ensured to be filed within two days by the Sarpanch of the decree holder -Gram Panchayat concerned and subsequently the learned executing court shall proceed to issue warrants of possession, and, after successful and completest execution of the warrants of possession being made, thereupon, the Assistant Collector shall record such a satisfaction.
9. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(LALIT BATRA)
JUDGE

30.05.2024

kavneet singh

KAVNEET SINGH
2024.05.30 14:49
I attest to the accuracy and
integrity of this document

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