

2024:PHHC:104128-DB



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

(117)

**CWP-17101-2024
Decided on : 12.08.2024**

Umed Singh

.....Petitioner(s)

Versus

Collector-cum-Deputy Commissioner, District Bhiwani & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present: Mr.Ravi Kant Sharma, Advocate for the petitioner (s).

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

G.S. Sandhawalia, J.(Oral)

1. Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India is for issuance of directions to the official-respondents for necessary action on the basis of orders dated 08.09.2021 (Annexures P-5 to P-7) against private-respondents No.5 to 31 who are stated to be in unauthorized possession of the Panchayat land and have also raised construction over the same.

2. On 24.07.2024, we passed the following order:

“Counsel for the petitioner contends that eviction orders have been passed and in pursuance of the same, in execution, further directions have been issued by the authorities for restoring possession to the Gram Panchayat. However, the same has not been acted upon.

State Counsel prays for time to verify the factum whether the orders have become final and whether any appeal(s) are pending against the same.

List on 12.08.2024.”

3. Today, photocopy of the communication dated 12.08.2024 by the Block Development & Panchayat Officer, Siwani to the Advocate General, Haryana has been placed on record which would go on to show that respondents No.5, 8 to 11, 13, 14 & 18 have filed appeal before the Court of District Collector, Bhiwani against the said ejectment order and the case is now fixed for 28.08.2024 and respondent No.20 has filed proceedings before Civil Court, Siwani against the order which is now sought to be executed. The BDPO has also mentioned that he has been appointed as Duty Magistrate to remove the illegal encroachment but due to lack of police assistance on account of the Parliamentary Constituency Election, 2024, he could not take action.

4. Keeping in view the above, since nothing has been mentioned regarding whether there is any stay of dispossession, we dispose of the present writ petition, directing the State to take appropriate action and take steps to enforce the order which is sought to be executed after following due procedure and after confirming the factum that there is no interim order passed by the Appellate Authority or the Civil Court. In case there is no legal impediment, the said authority shall take appropriate steps to execute the said orders within a period of 2 months from the receipt of certified copy of this order.

5. With the above-said observations, the present writ petition stands disposed of.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

12.08.2024
Sailesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No