

CWP 31958-2024

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IN THE HIGH COURT OF OPUNJAB AND HARYANA
AT CHANDIGARH

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CWP 31958-2024

Date of decision: 11.12.2024

Ram Kumar and others.....*Petitioners**versus**State of Haryana and others*.....*Respondents*

Coram: **Hon'ble Mr. Justice G S Sandhawalia**
 Hon'ble Mrs. Justice Meenakshi I. Mehta

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Present: Mr. Ishnoor Singh, Advocate for the petitioners
 Mr. Ankur Mittal, Additional Advocate General, Haryana and
 Mr. Saurabh Mago, DAG, Haryana

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G.S.Sandhawalia, J. (Oral)

1. Challenge in the present writ petition is only to the execution proceedings and warrants of possession issued in compliance of the eviction proceedings, which was upheld long back in LPA No. 1475 of 2010 titled as '*Ram Kumar and others vs State of Haryana and others*' vide order dated 02.02.2011 against the present petitioners. The Co-ordinate Bench as such dismissed the appeal upholding the order of the eviction, which had been initiated under first order passed by the Assistant Collector First Class, Pehowa on 17.05.1999 (Annexure P-1) and upheld by the Collector and the final order being passed by the Commissioner, Ambala Division. Civil Writ Petition No. 15932 of 2010 filed by the present petitioners had been

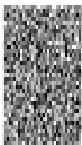


dismissed who later filed the appeal and has lost the challenge on an earlier occasion.

2. We are of the considered opinion that challenging the implementation of the eviction order which has unfortunately not been implemented, even though a period of more than 13 years has passed, has led to the unnecessary litigation. The Co-ordinate Bench has noticed that the petitioners have unauthorizedly occupied the *gair mumkin johar* which is meant for use of common purposes of inhabitants of the village which could not be transferred to any person. The Apex Court in '*Jagpal Singh and others vs State of Punjab and others*', **2011 AIR Supreme Court 1123** has castigated the approach of the residents of the villages to occupy the land meant for *johar*/pond. In spite of such strong observations, the inaction of the State authorities to get the same evicted from the unauthorized occupants, continues and unnecessary litigation is being foisted upon this Court.

3. It is also to be noticed that though a reference is made to one CWP 19785-2024 titled as ***Harbail Singh vs. State of Haryana and others***, whereby the petitioner was aggrieved by the decision of Commissioner Ambala Division, Ambala who in spite of back ground of such cases has directed the Assistant Collector to pass a resolution that the matter for purchase of said land be considered in pursuance of resolution dated 28.12.2023, passed by the Gram Panchayat Shahpur to purchase the land.

3. We have already stayed the order of the Divisional Commissioner, Ambala Division and asked for her explanation which has



duly been submitted, in the said case.

4. Perusal of the paper book would also go on to show that the Sub Divisional Officer (Civil) Pehowa has written a letter to the Director, Development and Panchayat, Haryana on 25.10.2024 to cancel the said proposal of the Gram Panchayat Shahpur by suspending the said resolution under Section 47 of the Haryana Panchayati Raj Act, 1994.

5. Under these circumstances, we find no plausible reason to entertain the present writ petition and the same is dismissed.

(G S Sandhawalia)
Judge

(Meenakshi I. Mehta)
Judge

December 11, 2024
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Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No