

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

104

2024:PHHC:171575-DB



CWP No. 34251 of 2024

Date of Decision: 20.12.2024

Rameshwar @ Shamsheer

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

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

Present: Mr. Sandeep Siwach, Advocate, for the petitioner.

Mr. Saurabh Mago, DAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

1. Prayer in the present writ petition filed under Articles 226 and 227 of the Constitution of India is for staying the operation and implementation of order dated 18.01.2022 (Annexure P-2) till the stay application is not decided in Appeal No.EA/16555 of 2024 regarding the order dated 18.01.2022 and not to demolish the house of the petitioner while admitting that the front portion of the house has been demolished.

On 18.12.2024, the following order was passed:-

“Learned State counsel shall file the status-report mentioning therein as to whether the eviction order has been given effect to remove the unauthorized occupation, since apparently, it is the case of the petitioner himself, as per the photographs, that the property had been demolished.

To come up on 20.12.2024.”

2. Resultantly, compliance report has been filed by the Block

the unauthorized possession of the land of the Gram Panchayat was of 103.74 sq. yds. in the petition which had been filed under the Village Common Lands Act, 1961 and vide order dated 18.01.2022 (Annexure P-2), the matter had been decided and directions have been issued to remove the unauthorized possession within 30 days.

3. No appeal was filed against the order in the Court of the Deputy Commissioner, which is the competent authority. The appeal has been filed in the Revisional Court of Commissioner on 27.11.2024. Demolition, thus, took place on 12.12.2024 regarding the unauthorized possession in the presence of Duty Magistrate and the Police in execution proceedings.

4. In such circumstances, we are of the considered opinion that no directions are liable to be issued as the mere pendency of a time barred revision as such would not give a cause to the petitioner to approach this Court. The apprehension that the demolition of the house would be done is without any basis. The order of the Assistant Collector Ist Grade, Fatehabad dated 18.01.2022 (Annexure P-2) has been duly implemented, which was an *ex parte* order and a specific area of 103.74 sq. yds. was mentioned, which was stated to be in illegal possession, of the petitioner, demolition of which has been done. Therefore, we do not find any reason as such to keep this petition pending.

5. Accordingly, the present petition is disposed of with the above said observations.

(G.S. SANDHAWALIA)
JUDGE

20.12.2024
shivani/sailesh

(MEENAKSHI I. MEHTA)
JUDGE