



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

112

CWP-3369-2025

Date of Decision: 21.02.2025

RAMKISAN

..... PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

..... RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Ravinder Singh Saroha, Advocate
for the petitioner.

Mr. P.P. Chahar, Sr. DAG, Haryana and
Ms. Svaneel Jaswal, Addl. A.G., Haryana
for the respondents.

SURESHWAR THAKUR, J. (ORAL)

1. Binding and conclusive verdicts of eviction as become respectively enclosed as Annexures P-1 and P-2, thus, become respectively passed by the Assistant Collector concerned and by the Collector concerned, wherebys one Bhim Singh son of Rishal Singh, who is also impleaded in the present writ petition as co-respondent No.7, has been directed to remove, the illegal encroachment, which has been made by him over an open passage and over the path existing over the land designated in the records, as Abadi deh. It is not contested today, before this Court, that the disputed



deh, thus, falls within the inclusionary definition of shamlat deh and therebys, there is vesting of jurisdiction in the Assistant Collector concerned, to pass an eviction order against the encroacher concerned.

2. As above stated binding conclusive and effective orders of eviction, have been passed against one Bhim Singh, who is also arrayed as co-respondent No.7 in the instant writ petition.

3. Moreover, consequent upon the passing of binding and effective verdicts of eviction against said Bhim Singh, it is also not contested between the counsels, who are appearing today before this Court, that the apposite execution petition(s) are subjudice before the learned executing Court concerned. Therefore, though till the said execution petition, hence, becoming satisfactorily closed through an objective satisfaction becoming recorded by the executing Court concerned, qua the decree under execution becoming fully and effectively satisfied, thus thereupto there is no enforcible cause of action qua the present petitioner, who even otherwise was neither arrayed, nor did file the previous eviction petition Annexure P-1.

4. It appears that some eviction petition has been instituted post this Court making a decision on 11.03.2024 upon CWP-3685-2024, wherebys the petitioner therein one Rajbir was permitted to avail the remedies which are declared therein. The relevant part of the said order becomes extracted hereinafter :-

“4. If yet the present decree-holder has any grievance from any reencroachments or reconstruction being made thereover by the very same judgment debtor namely one Bhim Singh, then he is at liberty to re-institute a fresh eviction petition against one



Bhim Singh, before the jurisdictional Executing Court, who on receiving the same, shall pass a lawful decision thereon, within a period of one month from this preferment but after hearing all the parties concerned.”

5. Therefore, the said eviction petition is directed to be most expeditiously decided. However, lastly for ensuring that there is no inter se conflict in the order of satisfaction as becomes recorded by the Assistant Collector, thus, on the relevant execution petition, rather with the decision which becomes ultimately passed in the supra eviction petition, thereby both the execution petitions and the petition for eviction (supra), are directed to be taken up simultaneously, besides they are also directed to be decided simultaneously, through well made speaking orders.

6. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

21.02.2025
Satyawar

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No