



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

127

CR-3515-2025**Date of decision : 30.07.2025****State of Punjab and others****..... Petitioners****versus****Kanwar Naresh Singh Sodhi****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN****Present: Mr. Jastej Singh, Addl. A.G., Punjab.**

PANKAJ JAIN, J. (Oral)

1. The present revision petition is directed against order dated 26.07.2022 (Annexure P-10) passed by the Executing Court. The suit filed by the plaintiff-respondent was decreed.

2. The same stands affirmed upto this Court in RSA No.3843 of 2017. Execution was filed by the decree holder. The contention raised by State counsel is that since the decree was to acquire the land and pay compensation within six months or to seek possession thereafter, the Executing Court should have deployed the police personnel for handing over the possession as the land was acquired. The Executing Court has dealt with the objections observing as under:-

“1. Heard on the supplementary objections filed on behalf of JD no.1, 2, 5, 6, and 7. It has been averred in the supplementary objections that the plaintiff has filed execution for the issuance of decree of mandatory injunction to defendants to make the payment of compensation to the plaintiff after acquiring suit land in accordance with the provision of Land Acquisition Act within period of six months from the date of decision, failing which the plaintiff is entitled to recover the possession of the suit land as mentioned in para



no.2 of the supplementary objections. The PWD department in the capacity of executing agency has constructed the mettle road in some portion of the suit property as mentioned in para no.3 for the use of local public and the other khasra numbers mentioned in the suit are Jang Ghar, Shamshanghat, Firni etc. that has no concern with the department of public works. That a detailed report regarding the ownership, possession and land use status, indicated in the current jamabandi as well as Misal Haqiyat, of the lands involved in these court cases, has been obtained from the Tehsildar, Guruharsahai. This report clearly shows that the land use as recorded in revenue record is "Share-aam" indicating public the name of Joint Properties, which has been statutorily mandated under Section 42-A of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act 1948 as land reserved for common purposes and to the continued to be used so and also to be recorded in the record of rights as "Jumla Malkan". In the ownership column of revenue record pertaining to this land, as indicated in the report obtained from Tehsildar Guruharsahai, "Mustarka Malkan" should have been recorded as the correct status as per the rules, not the names of "individual land owners, as hitherto has wrongly been continued. The land/roads in question are the common Revenue Rastas, kept for the common use of Public at large, as provided for in the consolidation of land scheme. The Public Works Department under various schemes of Government has since long been metalling such existing Kachha Rastas interlinking villages as provided for in the consolidation of land scheme. Such lands/rastas fall under the management and control of respective Gram Panchayat as per Section 42-A of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948. These rastas were lands which though fall under ownership file of the village proprietors jointly, are vested under the Management and control of respective Gram Panchayat, for their utilization, as provided under the consolidation of Land Scheme. The public works department has never touched upon the ownership file of the joint proprietors nor has ever tried to take over the control and management of such lands/roads and it is merely a facilitator and a technical agency who has been



laying/metalling/repairing, such kachha rastas/roads from time to time, for the welfare of public at large. The ownership/possession and management of such lands continued to remain as it exists in the revenue record, even after lying of Pucca roads by Public Works Department.

2. Per contra in the written reply filed on behalf of the DH as to the supplementary objections it has been stated that it is submitted by JDs that PWD department constructed the road by taking the land where the road has been constructed as their own ownership and without acquiring the same and they have used it for long period and now can not say that they are only constructed mettle road as executive agency, the JD is the department of State of Punjab and is fully responsible to pay the compensation to the DH. It is also submitted that it is wrong that number khasra as mentioned is only used by the public, rather the JD PWD who constructed the road allowed the public to use the same as public passage and other functions, that entries in khasra girdawari as well as in jamabandi which now the JD has mentioned for continuing even before passing of judgment decree and JD have challenged the judgment decree but till today no higher court has set aside the judgment decree in favour of DH and the executing court has to execute the judgment decree within its four comers and at this stage when the objections has already been decided no new controversy can be put by the JD. The DH being owner of property in question are entitled to enforce the judgment decree passed in their favour. That the land in question is a private property of the DH which has been constructed as roads by JD and JD after availing all the remedies and after contesting the suit just to delay the present execution has filed present objection. be department was not competent to constant road in private property of DH and if they have done so no at this stage, they cannot say that they only constructed the roads the roads have been left during consolidation.

3. I have heard submissions made by both the parties and perused the judicial file minutely with able assistance.

4. At the very threshold, It can be said without any demur that the instant objection petition in the shape of supplementary objection laid by the JD No. 1, 2, 5 to 7 is a classic case of an



attempt made by the government authorities to stifle and muffle the court orders.

5. Before touching the objections, which stems from the court judgment and decree dated 13.08.14, it is essential and desirable to take note of the circumstances, which propelled the decree holder to approach the Civil Court. Decree holder asserted his proprietary right over the suit land and approached the government authorities, including the present objectors, either to pay compensation in respect of the disputed land after its acquisition as per law or deliver him back the vacant possession of the same Government Authorities, having turned deaf ears to the claim of decree holder. The decree holder was constrained to file the Civil Suit arising same grievance and sought twin relief of compensation or for vacant possession of the disputed land. The suit was decreed vide judgment and decree dated 13.08.2014.

6. Undoubtedly, the present JDs and other JDs questioned the verdict of trial court by filing an appeal, but failed to get any stay order. The decree holder sought the execution of the judgment and decree dated 13.08.2014 and it is in these execution proceedings that the present supplementary objections stood filed by Er. Mander Singh, Executive Engineer, Construction Division No.1, P.WD(B&R), Branch Ferozepur on behalf of JD no. 1, 4, 5 to 7. The main grievance ventilated by the objectors is that metalled road and other structure like cremation ground, hadda rodi and Phirni have come up on the suit site and removal of the same side will cause immense hardship to the inhabitants living in the vicinity of the disputed land. Also, according to objectors, making compensation will cause burden on the government exchequer. Here, it is not out of place to say that earlier also, on two different objection applications were filed, one by JD no. 10 and 11 and other by JD No.12. Those two objection applications were dismissed by the Court vide two detailed orders, dated 16.02.2016. The present objections have simply replicated what earlier was asserted by the JD in their written statement and the same was discussed at length by the Trial Count. The present application apparently is nothing but another attempt to procrastinate and shilly-shally the court proceeding which ought not to be permitted. Accordingly, I do



not find any merits in the present application and same is hereby dismissed.”

3. The present revision petition is nothing, but a ploy at the hands of State to scuttle the decree. Intent is that while taking possession, law and order situation crops up as land has been utilized for creating mettled road, structures like cremation ground, hadda rodi and Phirni etc. Obviously, at the time of taking possession, public is expected to agitate. Stand taken by the State is highly deplorable. The act of the State to disobey the decree passed by competent court is evident.

4. Counsel for the State relies upon provision as contained under Punjab Village Common Land Act, 1961 and the East Punjab Holdings (Consolidation and Prevention of Fragmentation), 1948 to submit that the land having been used for common purpose, no compensation is payable.

5. The aforesaid contention cannot be considered in view of the fact that the decree has been passed which has attained finality and has not been assailed by State. The contention raised is misconceived and misplaced. The Executing Court cannot travel beyond decree.

6. Finding no merits, present revision petition is ordered to be dismissed.

7. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

30.07.2025

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No