



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

124

CWP-23966-2024

Date of Decision: 19.02.2025

Ramesh Chand

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present:- Mr. Johan Kumar, Advocate, for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana,
Mr. Svaneel Jaswal, Additional Advocate General, Haryana,
Mr. P.P.Chahar, Sr. Deputy Advocate General, Haryana,
Mr. Saurabh Mago, Deputy Advocate General, Haryana,
Mr. Gaurav Bansal, Deputy Advocate General, Haryana and
Mr. Karan Jindal, Assistant Advocate General, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed by one Ramesh Chand, who claims right of user of the *sare-aam rasta* existing over khewat No.1202/987 min, khatoni No.1346, Khasra No.374, measuring 0 kanal 7 marla situated in village Ghor, Tehsil and District Palwal.

2. Learned counsel for the petitioner submits, that in respect of an unauthorized and illegal construction being allegedly raised over the said *rasta*, eviction petitions cast under Section 7 of the Haryana Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as '1961 Act'), were filed before the Assistant Collector concerned and thereons, binding and conclusive verdicts of eviction have been recorded, which have



been respectively enclosed as Annexures P-4 to P-8.

3. Learned Additional Advocate General, Haryana, does not dispute, that the verdicts of eviction as have, become recorded against the respondents in the instant writ petition, by the Assistant Collector concerned, thus, have acquired binding and conclusive effect.

4. Obviously, therebys, the said binding and effective verdicts of eviction were required to be satisfactorily executed by an order to the said extent becoming passed by the Assistant Collector concerned.

5. On the previous date of hearing, this Court had directed the respondents to place on record, an intimation from the Assistant Commissioner concerned, demonstrating that he has recorded an order, wherebys, objective satisfaction has been drawn by him, viz-a-viz, the said binding and conclusive verdicts of eviction, thus, becoming completely executed against the judgment debtors.

6. Learned Additional Advocate General, Haryana, has placed on record an intimation, as made by the Assistant Collector, Palwal, exercising the power of an Assistant Collector under Section 7 of the 1961 Act, to the office of the Advocate General, Haryana, disclosing therein, that the binding and conclusive verdicts of eviction have been satisfactorily executed.

7. In terms of the said intimation, this Court does not deem it fit to keep open the instant writ petition. Consequently, the writ petition is closed. In case, subsequent to complete satisfaction being made viz-a-viz the verdicts of eviction recorded against the judgment debtors concerned, the latter or some other person re-encroaches the *sare-aam rasta*, then at that



stage, it is open to the petitioner or to the Sarpanch of the Gram Panchayat concerned to re-institute an eviction petition under Section 7 of the 1961 Act.

8. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

February 19, 2025
harish

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No