



CR No.51 of 2018 (O&M)

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

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CR No.51 of 2018 (O&M)

Date of Decision:17.11.2025

JAGMAL SINGH (DECEASED) THROUGH HIS LRS.....Petitioners**Vs****MAGAN LAL (DECEASED) THROUGH HIS LRs AND ANOTHER****....Respondents****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Akshay Jindal, Sr. Advocate with
Mr. Vrishank Suri, Advocate along with
Sh. Arjun Thakran/petitioner in-person.

Mr. Sunil Chadha, Sr. Advocate with
Mr. Tara Dutt, Advocate along with
Sh. Manish Solanki/respondent No.1(iii) in-person.

HARKESH MANUJA, J. (Oral)**CM No.6304-CII of 2021**

Prayer made in the application is for impleading the applicant(s) as legal heir(s) of respondent No.1, who died on 27.04.2021.

For the reasons mentioned in the application, the same is allowed, subject to all just exceptions and the applicant(s) as mentioned in paragraph No.3 of the application are ordered to be impleaded as legal heir(s) of respondent No.1- Magan Lal (deceased) in order to pursue the present case.

Amended memo of parties is taken on record.

Registry to do the needful.

Main case

[1]. By way of present revision petition, challenge has been laid to the order dated 15.12.2017 passed by learned Executing Court, Gurugram, whereby the objection petition preferred at the instance of petitioner(s)/judgment-debtor(s) was dismissed, followed by issuance of warrants of possession against them.



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[2]. Briefly stating, a suit for permanent injunction was filed at the instance of the respondents against the petitioners with respect to the residential plot situated in Khasra No.1138, revenue estate of village Gurugram. The said suit was dismissed by the learned Trial Court vide judgment and decree dated 12.11.2010. Aggrieved thereof, the respondents preferred a Civil Appeal before the Court of learned District Judge, Gurugram. During pendency of the appeal, a settlement came to be arrived at between the parties. The terms thereof are extracted hereunder:-

“ Present- Both the parties.

I have explained the process of mediation and conciliation to the parties appearing before me alongwith their counsels. Further mediation & conciliation I have explained the process of mediation & conciliation to the parties conducted.

The facts as briefly stated by the parties are that appellant filed a civil appeal which is pending in the referral court.

One meeting was held during the process of mediation. The parties have wwith the assistance of Mediator voluntarily arrived at an amicable solution resolving their above mentioned disputes and differences.

The parties hereto confirm and declare that they have voluntarily with their own free will & consent without any force, pressure & coercion from any corner arrived at an amicable Settlement Agreement in the presence of Mediator/ Conciliator.

The parties have agreed to settle their entire disputes & differences on the following terms and conditions:-

- 1. Sanjay Thakran on behalf of all the Lrs of Jagmal stated that they are not in possession of any part of khasra no. 1138 revenue estate of village Gurgaon and if they were found in unauthorised possession of any land of khasra no. 1138, they will remove the same.*
- 2. In view of above undertaking Magan Lal will withdraw the present appeal pending in the referral court.*
- 3. Both the parties have no objection, for measurement of khasra no. 1138 by revenue authorities at their own costs.*



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4. *If any encroachment is found by the revenue authorities & the same is not vacated by LRs. of Jagmal Singh then Magan Lal will have right to file execution for vacation of the encroached land & to get police aid for the said purpose.*

By signing this agreement parties state that they have no further claim & demand against each other of any nature whatsoever. The disputes & differences in this regard have been amicably settled forever by them through the process of Mediation/Conciliation.

The parties undertake to abide by the terms & conditions set out in the agreement, before the Referral Court and not to dispute the same hereinafter in future.”

[3]. On the basis of the aforesaid compromise, the Civil Appeal preferred at the instance of the respondents was dismissed as withdrawn and the parties were made to remain bound by the terms of the said compromise. The order dated 31.01.2012 passed by the learned District Judge, Gurgaon (now Gurugram) in this regard is extracted hereunder:-

*“Present: Appellants Magan Lal and Santosh Kumar in person.
Shri J.K. Maheshwari. Advocate, learned counsel for the respondent no. 1.*

File received from the Mediation & Conciliation Centre, District Courts, Gurgaon, along with settled agreement. Joint statement of the appellants recorded to the effect that they have compromised the matter with respondents through Mediation Centre, which is Ex C1 and they are bound by the said compromise. They want to withdraw the appeal as per compromise Ex.C1.

On the other hand, respondent no.1 has made a statement that he has compromised the matter vide compromise Ex. C1 and they are bound by the compromise.

Heard. In view of this fact, appeal is dismissed as withdrawn. Parties are left to bear their own costs. Both the parties would be bound by the compromise Ex.C1 which would be enforceable at the instance of party against the defaulting party.



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Lower Court record along with a copy of this order be sent and appeal file be consigned to record room after due compliance.

-sd-

Announced: 31.1.2012.

*(Dr.Bharat Bhushan Parsoon),
District Judge, Gurgaon.”*

[4]. Subsequently, the respondents preferred an Execution Petition based on the decision rendered by the Appellate Court asserting that the petitioner(s) having encroached upon the portion of Khasra No.1138 situated in the Revenue Estate of Gurugram, were required to remove their unauthorized building/encroachment. During the execution proceedings, based on the 3rd demarcation carried out by the revenue officials on 29.08.2017, the objections preferred at the instance of the petitioner(s) were dismissed followed by issuance of warrants of possession against them.

[5]. Aggrieved thereof, the present revision petition came to be filed, wherein notice of motion was issued on 15.01.2018 and interim protection was granted in favour of the petitioner(s) as regards their dispossession from the property in question.

[6]. Today, during the course of hearing, in the presence of authorized representatives of the respective parties, it has been agreed that a fresh demarcation be carried out in terms of the procedure notified by the Financial Commissioner Revenue & Additional Chief Secretary to Government Haryana, Revenue and Disaster Management Department vide notification dated 17.09.2021 which reads as under:-

***“HARYANA GOVERNMENT
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
Notification
The 17th September, 2021***

No. 2164-R-2-2021/6960.-



Haryana Land Records Manual

Chapter: 4-Surveys

1 In the Haryana Land Records Manual, sub-para 1(A) of para 4.49 shall be substituted as under:-

"The Delimitation of boundary and demarcation can also be carried out with the help of "Electronic Total Station" (ETS) machine and by using Dual Frequency Global Navigation Satellite System (GNSS) Receiver in Post Processing mode or by Real-Time Kinematic (RTK) method using Continuously Operating Reference System (CORS) Network and GNSS Rover at the cost of Applicant"

Explanation:

Why replace GPS with GNSS- Global Navigation Satellite System (GNSS) is a broad term encompassing different types of satellite-based positioning systems used globally. GPS (Global Positioning System) is one such type of GNSS.

Real-Time Kinematic (RTK) is a Technique that uses carrier-based ranging and provided ranges (and therefore positions) that are orders of magnitude more precise than those available through code-based positioning.

*SANJEEV KAUSHAL,
Financial Commissioner Revenue &
Additional Chief Secretary to Government
Haryana. Revenue and Disaster Management
Department"*

[7]. It has further been pointed out that the aforementioned procedure has also been notified by this Court being incorporated in Volume 1, Chapter 1 Part-M of Rule 4(2) vide correction slip No.89 dated 31.05.2024. The same is also reproduced hereunder:-

"(2) [Delimitation or Demarcation using Electronic Total Station Machine etc.:- The delimitation of boundary and demarcation can also be carried out with the help of "Electronic Total Station (ETS) Machine and by using



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Dual Frequency Global Navigation Satellite System (GNSS) receiver in post processing mode or by "Real Time Kinematic (RTK)" method using Continuously Operating Reference System (CORS) Network and GNSS Rover or by any other electronic method recognized by the State Government by way of notification/instruction issued from time to time.] (Rule 4(2) inserted vide Correction Slip No. 89 dated 31.05.2024}"

[8]. It has further been agreed between both the parties that they shall not assail the fresh demarcation report prepared by the revenue officials in terms of the aforementioned Notification and the correction slip and shall remain bound by it.

[9]. In view of aforesaid consented stand taken by both the parties, the order dated 15.12.2017 passed by the learned Executing Court is set aside and the learned Court is requested to depute some senior revenue official from Gurugram so as to carry out the fresh demarcation qua the subject property, in terms of aforementioned Notification and the correction slip. The fresh demarcation be carried out under the supervision of the District Revenue Officer, Gurugram as well as Assistant Commissioner of Police of the area concerned. Let the needful exercise be carried out within one month from today after putting both the sides on notice; thereafter based upon the said demarcation report, the learned Executing Court shall proceed in accordance with law.

[10]. The Revision Petition along with pending application(s), if any stands disposed of.

November 17, 2025
Atik

(HARKESH MANUJA)
JUDGE

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