



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-1125-2026(O&M)

Date of decision : 01.05.2026

State of Haryana and others

... Petitioners

Versus

Om Parkash (since deceased) through his LR

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Raj Partap Singh Brar, AAG, Haryana
for the petitioners.

Mr. Aayush Gupta, Advocate and
Mr. Abhishek Chaudhary, Advocate
for the respondent.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 11.09.2025 (Annexure P-5) vide which the objections filed by the petitioners have been dismissed by the Executing Court and the judgment debtors have been directed to make the payment.

2. Learned counsel for the petitioners has submitted that although the grounds of limitation and estoppel were not taken up in the objections, on which the impugned order has been passed, which is the subject matter of challenge before this Court, but has submitted that the second execution



application is barred by limitation and has further submitted that the respondent be stopped from claiming any money as in the earlier execution proceedings, he had stated that the money had been received by the respondent-decree holder.

3. Learned counsel for the respondent has on the other hand submitted that in the present case, the petitioners-State is guilty of active concealment and of misleading the Court, inasmuch as, several events / orders which have been passed prior to the impugned order dated 11.09.2025 and subsequent to the order dated 11.09.2025 upto the drafting of the petition i.e., 30.01.2026 have not been brought to the notice of this Court and in view of the same, the Co-ordinate Bench of this Court was pleased to issue notice of motion. It is submitted that the two arguments sought to be raised before this Court were never part of the original reply / objections filed by the State of Haryana and no argument regarding the same was made before the Executing Court and sole prayer for demarcation was made, which was rightly rejected by the Executing Court vide impugned order dated 11.09.2025.

4. It is further pointed out that in the reply dated 17.12.2022 (Annexure R-3 annexed with CM-8918-CII-2026), it was stated by the present petitioners/State of Haryana that the demarcation should be done and in case any encroachment is found in violation of the decree on the land of the decree holder, then, the present petitioners are ready to pay its compensation. Paragraph 4 of the said reply filed by the State of Haryana



which has been highlighted, is reproduced hereinbelow:-

“4. That in reply to para No.4 of the application it is submitted that encroachment cannot be proved unless the land is demarcated in accordance with law. Answering respondent had already submitted in their reply dated 02.02.2022 while replying para 7 of the execution to the effect that if any encroachment is found in violation of the decree on the land of the decree holder, then answering respondent are ready to pay its compensation as per law to the decree holder.”

5. It is submitted by learned counsel for the respondent that thereafter the Civil Judge (Sr.Div.), Kurukshetra, vide order dated 18.11.2023 (Annexure R-4 annexed with CM-8918-CII-2026) after hearing both the counsel for the decree holder as well as the petitioners-JDs/State of Haryana had appointed a Local Commissioner and had directed him to submit his report. The order dated 18.11.2023 which has been highlighted, is reproduced hereinbelow:-

*“Presence: Shri Suresh Kumar Goel, counsel for DH.
Shri Bhagwant Singh, GP for JDs.*

*Arguments heard on the application moved by DH for appointment of Local Commissioner. Perusal of file reveals that specific allegations of further encroachment has been raised by DH which has not been denied by JD, thus, for the proper adjudication of the instant execution it is desired that competent Revenue officer not below the rank of Halqa Kanoongo be appointed as a Local Commissioner with the direction to state regarding the existing state of affairs of khasra numbers in dispute as mentioned in the application moved by DH with further direction to demarcate the same and to report as to whether any encroachment in the form of road or whatever has been made upon the said khasra number or not. His fee is assessed to be Rs.3,000/- to be borne by DH. He is also directed to take **photographs**, whose expenses to be borne separately by DH and he is directed to **give prior notice** to both*

2026:PHHC:067806



the parties before reaching the spot. A copy of this order be sent to concerned Local Commissioner for information and due compliance.

Report of Local Commissioner be awaited for 20.01.2024.

*(Jatin Garg),
Civil Judge (Senior Division)
Kurukshetra. 18.11.2022
(UID:HR0278)*

Date of Order :18.11.2023”

6. It is submitted by the learned counsel for the respondent that the said order was never challenged and that in pursuance of the said order, a demarcation report was prepared in the presence of officials of the State of Haryana which included Mr. Vinay Kumar, Assistant Engineer, SDO, Pipli, PWD and other officials. The memo of presence with respect to the said demarcation report is Annexure R-5, which is annexed with CM-8918-CII-2026. Even the site plan which was prepared by the Local Commissioner has been annexed as Annexure R-6 with CM-8918-CII-2026 and it has been highlighted that additional land measuring 915.72 square yards was found to have been encroached upon by the petitioners-State. It is submitted that although in the execution proceedings, a higher claim was made but since the demarcation report had stated about the said encroachment, thus, the respondent would be satisfied in case the market value with respect to the land encroached is paid.

7. It is further highlighted that thereafter another reply / objection dated 23.04.2025 (Annexure R-7 annexed with CM-8918-CII-2026) was filed and in the said objection, the pleas with respect to the execution being barred by time as well as the earlier execution having been satisfied, which



points are sought to be raised before this Court, were taken but subsequently vide order dated 09.05.2025 (Annexure R-9 annexed with CM-8918-CII-2026) the said objections were withdrawn and the official of the petitioners had sought to file objections to the Local Commissioner report. It is submitted that once the objections had been withdrawn, it does not lie in the mouth of the petitioners to agitate the same points before this Court even without bringing to notice of this Court the fact that the said objections had been withdrawn. It is further argued that the objections to the Local Commissioner's report were filed and the same were dismissed vide detailed order dated 20.08.2025 passed by the Executing Court and the said order is annexed as Annexure R-10 with CM-8918-CII-2026. The relevant portion of the said order dated 20.08.2025 is reproduced hereinbelow:-

“7. It is relevant to mention here that once demarcation has already been conducted, there is no ground for directing fresh Re-demarcation merely on the ground that the case has been transferred one division to another division. Moreover, entertaining such repeated requests would lead to multiplicity of proceedings and prolonging the proceedings of the present execution. More so, it is trite law that once a demarcation has been carried out in accordance with law, re-demarcation is not allowed to be conducted unless and until the lacuna or discrepancy in the said report is brought by either of the parties before the Court. Since, no probable reason has been mentioned for re-demarcation by applicant/JD No. 3, therefore, no reason is made out to allow to re-demarcation of the disputed land.

8. Accordingly, application in hand stands dismissed. However, nothing contained in this order shall be construed as an expression of any opinion on the merits of the case.

Announced:

20.08.2025

(Dr. Mohini)

2026:PHHC:067806



*Addl. Civil Judge (Senior Division),
Kurukshetra, 20.08.2025
(UID:HR0356)''*

8. It is submitted by the learned counsel for the respondent that the said order has not been challenged and that a letter was written by the Haryana PWD (B&R), Executive Engineer to the Land Acquisition Officer, PWD B&R Ambala Cantt, which was dated 23.10.2025 and the same is annexed as Annexure R-11 with CM-8918-CII-2026 in which it was requested that the Land Acquisition Collector may prepare the paper so that the payment could be made to the decree holder as per the orders passed by the Court. It is thus submitted that on one hand the petitioners were well aware that the payment had to be made but on the other hand, they kept delaying the execution application by filing frivolous objections. Reference has also been made to the zimni order dated 24.11.2025 vide which the SDO had appeared before the Court and had stated that the calculation sheet has been submitted to the concerned Land Acquisition Officer and thereafter the case was adjourned for payment to the decree holder by the judgment debtors. On 21.01.2026 an adjournment was sought and last opportunity was granted to the petitioners to pay the money and it was specifically stated that in case of default, stern action would be taken against the judgment debtors for non-compliance of the order. The said two orders are annexed as Annexure R-12 and R-13 with CM-8918-CII-2026.

9. It is submitted that without bringing to the notice of this Court and without mentioning about the said facts, the present revision petition



was drafted on 30.01.2026 in which challenge was made to the order vide which the first objections were dismissed vide order dated 11.09.2025. It is submitted that since the said material facts were not brought to the notice of this Court, thus, the Co-ordinate Bench of this Court was pleased to issue notice of motion and notice regarding stay on 04.02.2026. It is argued that even now the petitioners have filed fresh objections dated 23.03.2026 instead of complying with the orders passed by the Court which had attained finality. It is submitted that the Hon'ble Supreme Court in the case of *Periyammal (Dead) and others Vs. Rajamani and another* reported as **2025 SCC Online SC 507**, has directed the Executing Court to decide the execution within a period of six months and it is unfortunate that the State and its department is making every endeavour to violate the said mandate of law and is also trying to delay the proceedings in the execution proceedings. Learned counsel for the respondent has submitted that in the said circumstances, heavy costs should be imposed on the State of Haryana and the same should be recovered from each of the official, who are responsible for the delay in the execution proceedings.

10. Mr. Rishi Sachdeva, Executive Engineer, has appeared through video conferencing, after the learned counsel for the petitioners was directed to get specific instructions in the matter. The Executive Engineer has stated before this Court that the payment with respect to the land which has now been found to be encroached upon by the State of Haryana as per the demarcation report, which has been reflected in the site plan Annexure



R-6, would be paid to the decree holder as expeditiously as possible and in any case within a period of four months from today.

11. Learned counsel for the petitioners, on instructions from the said Executive Engineer, has submitted that the in the said circumstances, the petitioners be permitted to withdraw the present petition and has further submitted, on instructions, that they would not press any other objection in the said execution proceedings.

12. Learned counsel for the respondent has submitted that in case the petitioners are made to be bound by the statements made before this Court, then, the petitioners be permitted to withdraw the present petition.

13. Keeping in view the above said facts and circumstances, the petitioners are permitted to withdraw the present petition. The petitioners would be bound by the statements made before this Court.

14. Pending application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

May 01, 2026.
Davinder Kumar

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