

PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH.

CWP No. 16637 of 2009.
Date of decision: 30.10.2009

Prem Singh Versus District Magistrate, Jhajjar and others.

CORAM: Hon'ble Mr. Justice T.S.Thakur, Chief Justice and
 Hon'ble Mr. Justice Mahesh Grover.

Present: Shri Bapurao Pakhiddey, Advocate, for the
 petitioner.

T.S.Thakur, CJ (Oral)

Issue notice of motion. Mr. Anil Rathee, Addl: A.G. Haryana accepts notice on behalf of the respondents 1 to 3. Notice to respondent No.4 is dispensed with. The petitioner has been heard for final disposal with consent.

This petition purports to have been filed in public interest and prays for a mandamus directing the respondents to get the shamlat land vested in the Gram Panchayat Gijadot District Jhajjar vacated from the illegal occupation of 7 persons named in the order dated 29.02.2008 passed by the Assistant Collector 1st Grade, Jhajjar.

Appearing for the petitioner, Mr. Pakhiddey argued that a large extent of land vested in the Panchayat and forming a part of shamlat deh has been occupied by 8 individuals against whom proceedings under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 were initiated culminating in the passing of an order dated 29.02.2008 by the Assistant Collector, Jhajjar. He urged that despite the said order and despite applications made to the Assistant Collector and even to the District Magistrate, Jhajjar no steps have been taken to execute the said order and get the land vacated from the unauthorised occupation of the persons named in the order made by the Assistant Collector. A prayer for issue of a mandamus directing the authorities to get the unauthorised occupation of the persons mentioned in the order removed, has therefore been made.

The fact that an order for eviction of the unauthorised occupants from the land which has been found to be Village Common land vested in the Gram Panchayat has been passed is not disputed even by Mr. Rathee, counsel appearing for the respondents. A copy of the said order has been placed on the record from which it appears that the Assistant Collector has indeed passed an order directing eviction of the unauthorised occupants mentioned in the said order from the Gram Panchayat land. The petitioner claims to have thereafter filed an execution petition on which warrants for eviction of the occupants also appear to have been issued on 29.05.2009 and directed to the Tehsildar for compliance. The petitioner's grievance now is that despite the said warrants, the illegal occupants continue to be in occupation and that the authorities concerned have failed to take effective steps to get the land vacated from the occupants to be delivered back to the Panchayat. There is an assertion to this effect made in para No.5 of the application made to the District Magistrate, Jhajjar. The same is not however supported by any material before us. If execution applications have indeed been filed by the petitioner for execution of the order passed by the Assistant Collector we see no reason why the Assistant Collector should not dispose off that application in accordance with law expeditiously especially when execution warrants have also been issued. Suffice it to say that the petitioner ought to take up the matter with the Assistant Collector seeking expeditious disposal of the execution proceedings in which event the Assistant Collector is expected to look into the matter and pass appropriate orders for execution of the order already made by him. The needful shall be done within a period of four months from the date a copy of this order is produced before him. The writ petition is with the above observation disposed off with no order as to costs.

(T.S.Thakur)
Chief Justice

(Mahesh Grover)
Judge

October 30, 2009
Malik