



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

**CR No.1169 of 2020 (O&M)
Date of Decision: 04.09.2025.**

Lachman (since deceased) through LRs

...Petitioner

Versus

**Karam Singh through his Special Power of Attorney
Angrej Singh and another**

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Prashant Bansal, Advocate
for the petitioner (through video conference).

VIKRAM AGGARWAL, J.(ORAL)

The instant revision petition, preferred under Article 227 of the Constitution of India assails, order dated 02.11.2028 (Annexures P-2 and P-3) and order dated 24.09.2019 (Annexure P-7) passed by the Executing Court, Rajpura.

2. The facts, as emanating from the revision petition, are that one Lachman (predecessor-in-interest of the petitioners-plaintiffs) had instituted a suit for mandatory injunction against the defendant (Karam Singh). The said suit was decreed vide judgment and decree dated 12.11.2011 and mandatory injunction was issued to the defendant to demolish and remove construction over Khasra No.49//1 (0-2) within three (03) months. Appeal against the said judgment and decree was dismissed by the First Appellate Court on 26.09.2013 and further RSA No.467 of 2014 was also dismissed on 07.02.2014

2.1 An execution petition was filed wherein the Executing Court directed the SDO, PWD (B&R), Rajpura to demolish the existing construction. The said Officer appeared before the Executing Court on 26.10.2018 and stated that the orders had been complied with. However, an application was moved by the DH-petitioners that the entire construction had not been demolished.

2.2 Vide order dated 02.11.2018 (Annexure P-2), the application was dismissed and vide order of even date (Annexure P-3), the execution petition was disposed of having been fully satisfied.

2.3 However, an application (Annexure P-4) was moved by the petitioners-plaintiffs for providing police help as the decree-holders were not removing the demolished material/debris from the site. This application was opposed by way of reply (Annexure P-5).

2.4 The SDO, PWD (B&R), Rajpura was again ordered to visit the site. Vide report dated 02.09.2019 (Annexure P-6), it was reported that the bricks and debris had not been removed from the spot. However, on 02.09.2019, the same were got removed.

2.5 Under the circumstances, the application was dismissed vide order dated 24.09.2019 (Annexure P-7).

2.6 It is the case of the petitioners-plaintiffs that the debris has still not been removed from the site.

3. I have heard learned counsel for the petitioners.

4. Sh. Prashant Bansal, learned counsel representing the petitioners has strenuously urged that the debris has still not been removed from the site. He has referred to photographs (Annexure P-8). Learned counsel submits that twice, the SDO, PWD (B&R) gave a report that the

debris had been removed but the debris is still lying at the spot and whenever the petitioners make an attempt to remove the same, the respondents oppose the same, as a result of which, the application for providing police help had been moved.

5. I have considered the submissions made by learned counsel for the petitioners but find the same to be devoid of merit.

6. Twice, the Executing Court has recorded positive findings that the debris has been removed. Now, the petitioners rely upon some photographs (Annexure P-8) to contend that the debris is still lying there. The photographs show that there is a pile of bricks lying at a particular place. It is incomprehensible as to how a report was then earlier by the concerned officer. Either the bricks have subsequently been thrown there by someone or the photographs are not depicting the clear picture.

7. Be that as it may, the fact remains that the construction raised by the respondents at the spot stands demolished. It is not understood as to how the respondents are opposing the petitioners from clearing the pile of bricks. Once the petitioners have a decree in their favour and the decree has in fact been executed also, nothing prevents the petitioners for removing the pile of bricks from their land. In case, some resistance is offered by someone, they can always avail all such remedies as are admissible in law and, there would be no occasion to file execution petition or an application for providing police help. The execution petition had been disposed of as having been satisfied as far back as on 02.11.2018 and even the impugned order was passed in 2019 and today we are in 2025. It is hard to believe that the same pile of bricks is still lying at the spot and the petitioners have not been able to remove the same.

In view of the aforementioned facts and circumstances, the revision petition is disposed of in terms of the observations made in the preceding paragraphs.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

September 04, 2025

Rekha

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