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

CR No.3189 of 2015

Date of decision: May 13, 2015

Charanjit Singh and another

.....Petitioners

Versus

Arjun Singh (since deceased) through LR's and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. M.L. Saini, Advocate
for the petitioners.

SABINA, J

Petitioners have filed this petition challenging the orders dated 28.02.2012 and 28.01.2015.

I have heard learned counsel for the petitioners and have gone through the record available on the file carefully.

Petitioners have filed suit for mandatory injunction directing respondent Nos.1 to 5 to demolish, remove the illegal encroachment made by them over the part of the public road. Alongwith the suit, petitioners moved an application for interim injunction seeking a direction that respondent Nos.1 to 5 be restrained from raising any kind of construction or obstruction/blockage over any part of the public road/village phirni. Trial Court vide order dated 28.02.2012 dismissed the application and the said order was upheld in appeal by the appellate court vide order dated 28.01.2015. Hence, the present petition.

The case of the petitioners is that respondent Nos.1

to 5 be restrained from raising any construction or obstruction over any part of the passage in question. On the other hand, the case of the Gram Panchayat was that in fact, the plaintiffs-defendant Nos.1 to 5 had encroached on the village phirni and suit has been filed by the plaintiffs in collusion with defendant Nos.1 to 5. The case of the respondent Nos.7 to 9 was that they were going to provide better facilities to the general public on the existing passage in dispute. Since the defendant Nos.7 to 9 are going to provide better roads/facilities to the general public, the Courts below rightly held that the petitioners were not entitled to the grant of ad-interim injunction.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

May 13, 2015

m.singh