

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No. 6284 of 2015 (O&M)

Date of decision:- 23.09.2015

Amar Nath

...Petitioner

Versus

Gram Panchayat Village Mehmoodpur

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Sanjay Jain, Advocate
for the petitioner.

RITU BAHRI J.(Oral)

Plaintiff has filed the instant revision petition under Article 227 of the Constitution of India assailing order dated 11.05.2015 (Annexure P-1) passed by learned Executing Court, Ambala.

The judgment and decree dated 09.01.2014 was passed in favour of the petitioner and after passing of the said judgment, the respondent started encroaching the land of the petitioner. The petitioner moved an application under Order 21 Rule 31 and 32 CPC to which the respondent filed reply and the learned Executing Court dismissed the application of the petitioner on the ground that the learned District Judge, Ambala in his judgment has categorically mentioned that there is a pucca street, which passes through the land of the Panchayat, which is different from the suit land purchased by the petitioner/plaintiff from Satwant Kaur comprised in Khewat No. 201. Further it was observed that the plaintiff will

not encroach upon any portion of the Panchayat Land, which is being used as a street. Once both the lands of the plaintiff and the pucca street of Gram Panchayat was shown separately, no separate right accrued to the petitioner.

In view of the above, no ground is made out to set aside order dated dated 11.05.2015 (Annexure P-1), the revision petition is dismissed accordingly.

September 23, 2015
G Arora

(**RITU BAHRI**)
JUDGE