

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

CRM-M-31808-2015 (O&M)

Date of decision : 16.11.2015

Rajnish Tangri

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Harkaran Singh, Advocate,
for Mr. B.S. Bhalla, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by SI Sarbjit Singh.

Mr. J.S. Dadwal, Advocate,
for respondent Nos.4 to 6.

JITENDRA CHAUHAN, J. (Oral)

At the very outset, the learned counsel for respondent Nos.4 to 6 contends that the land, which is asserted to be a passage, is owned by the Gram Panchayat and it was not under cultivation. The petitioner, without any permission of the Gram Panchayat, started using the same as passage. Now, the Gram Panchayat has filed a civil suit against the petitioner.

The learned counsel for the petitioner has not been able to

show any document on record on the basis of which it can be ascertained that the land stated to be the passage used by the petitioner is owned by him or any amount has been paid to the Gram Panchayat or any agreement was reached between the petitioner and the Gram Panchayat for use of the land in question as passage.

The learned State counsel informs that there is an alternate public passage available to the petitioner, which is not being used by him.

As per the affidavit filed on behalf of the State, the land used by the petitioner, is owned by the Gram Panchayat. The petitioner is using the same without any consideration. The Gram Panchayat has already filed a civil suit against the petitioner.

The learned counsel for the petitioner has not been able to refer to any agreement reached between him and the Gram Panchayat for the use of the land in question as a passage nor there is any proof of his ownership of the land in question.

In view of the above, the present petition being devoid of any merit, is hereby dismissed.

16.11.2015
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(JITENDRA CHAUHAN)
JUDGE