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

CRM-M-32403 of 2015

Date of decision: November 19, 2015

Shiv Kumar and others

.....Petitioners

Versus

Jaibir and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. S.K. Yadav, Advocate
for the petitioners.

SABINA, J

Petitioners have filed this petition challenging the orders dated 30.12.2014 (Annexure P-2) and 14.05.2015 (Annexure P-4).

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

In the present case, proceedings under Section 133 of Code of Criminal Procedure, 1973 were initiated against the petitioners and they were directed not to obstruct public street in question.

A perusal of the order dated 14.05.2015 passed by the Court of revision reveals that Block Development and Panchayat Officer had visited the spot and had submitted his report dated 25.02.2011. As per the said report, the

land in dispute was a passage which led to the village school. It has been further noticed by the Court of revision that Sub Divisional Magistrate had directed the petitioners to remove the encroachment as the petitioners had collected some bricks, garbage, cow dung at the spot and obstructed the public street. Admittedly, in the civil suit filed by the petitioners, no interim injunction has been granted in their favour. Since the petitioners had obstructed the public passage, the Sub Divisional Magistrate had rightly directed the petitioners to remove the encroachment.

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

Dismissed.

**(SABINA)
JUDGE**

November 19, 2015
mahavir