

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

**CWP No.12186 of 2015
Date of decision: 5.6.2015**

Ramesh Chand

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms.Sushma Chopra, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

The dispute revolves around a *sharay-aam* street in a village and both parties are disputing some construction carried out by the petitioner. If the Deputy Commissioner has passed an order on 27.3.2015, he has done it under the directions of the Court to decide the representations in the two writ petitions filed by either side. The exercise of jurisdiction by the Deputy Commissioner is not based on any statutory provisions and none has been traced to give jurisdiction to the writ Court to interfere in a civil dispute relating to *nalis* in a street and construction carried out whether lawfully or unlawfully.

The issue cannot be decided without letting in evidence and the writ court is not the appropriate forum for parties to adduce evidence. If the Gram Panchayat has made the street and the petitioner says he has not carried out any construction, then he has nothing to fear. In any case, even with respect to the street constructed by the Gram Panchayat, regular remedies are available outside the writ jurisdiction.

The writ petition is not maintainable. It is dismissed, however, with liberty to the petitioner to seek civil remedies against the order of the Deputy Commissioner, Ambala in accordance with law.

(RAJIV NARAIN RAINA)
JUDGE

June 5, 2015
Paritosh Kumar