

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 19169 of 2015

Date of Decision: September 11, 2015

Kulwant Kaur and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. C.M. Munjal, Advocate,
for the petitioners.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent nos. 2 and 3 not to made constructions over the land belonging to the petitioners for the purposes of widening of road without due demarcation and beyond the aks-shizra as per revenue record.

The only grievance of the petitioners is that petitioners are owners of the property as detailed in jamabandi for the year 2013-14 (Annexure P/1). The road is being constructed by the PWD (B&R) Department within the land of the petitioners by changing the alignment of the road already existing at the spot.

Notice of motion.

On the asking of the Court, Mr. S.S. Chandumajra, Additional Advocate General, Punjab, accepts notice on behalf of the respondents and copy of the paper-book has been supplied to the learned State counsel.

I have heard learned counsel for the parties and perused the record.

Since the grievance of the petitioners is that the road may be constructed at the actual place where the passage was originally left out at the time of consolidation, before constructing the road, Sub Divisional Officer, PWD (B&R) Mandi Guruharsahai, District Ferozepur and other concerned officers will get demarcation done from the revenue authorities. Deputy Commissioner, Ferozepur, shall ensure that before construction of road, demarcation at the spot is carried out and an officer not below the rank of Naib Tehsildar shall supervise the demarcation of the land of the petitioners as well as area left out for the passage which is constructed as a road. It sometimes happens that without proper demarcation at the spot, roads are constructed. Thereafter, dispute arises and loss to public exchequer occurs when ultimately on demarcation it is found that it has been constructed at a place other than the passage

In view of above, instant writ petition is disposed of with a direction to the Deputy Commissioner, Ferozepur and respondents no. 2 and 3 that before constructing the road, demarcation should be carried out at the spot.

September 11, 2015
vkd

[Paramjeet Singh]
Judge