

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.24327 of 2014

Date of Decision: August 20, 2015

Satbir Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE JASPAL SINGH.

Present: Mr.Rakesh Dhiman, Advocate, for the petitioner.
Ms.Kirti Singh, Deputy Advocate General, Haryana.
Mr.S.S.Khurana, Advocate, for respondent No.5.
Mr.K.S.Sidhu, Advcoate, for respondent No.6.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioner impugns the eviction order passed against him under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to the State of Haryana, at the instance of respondent No.5 and which has been further upheld by the Appellate and Revisional authorities.

The authorities have concurrently held that the petitioner has encroached upon 7 marlas land comprising Khasra No.350 which vests in Gram Panchayat. The plea taken by the petitioner was that the demarcation conducted by Kanungo suggesting the encroachment on the gair mumkin rasta was conducted behind his back. The Revisional Authority turned down this plea after taking notice of the fact that the

case was earlier remanded by the Collector on 25.11.2008 and thereafter, fresh demarcation was conducted. The demarcation report is either signed or is thumb-marked by the parties in certification of their presence. The fresh demarcation report dated 30.03.2010 of Naib Tehsildar, Pataudi also held the petitioner in illegal possession of the public passage.

Since the petitioner was making hue and cry that demarcation was not conducted in accordance with law, this Court vide order dated 15.12.2014 appointed a Local Commissioner at the petitioner's expenses and the revenue authorities were directed to carry out fresh demarcation in the presence of the Local Commissioner.

The petitioner, however, wanted to wriggle out of the above-stated order and did not deposit the fee as assessed by this Court for the Local Commissioner. He thereafter has been getting adjournments on one pretext or the other.

We are satisfied that the instant writ petition is totally frivolous and lacks bonafide. Dismissed with costs of Rs.10,000/-.

The petitioner is directed to deposit the cost amount with the Registrar Judicial within two months and the same shall be disbursed to the learned Local Commissioner.

[SURYA KANT]
JUDGE

August 20, 2015
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[JASPAL SINGH]
JUDGE