

Civil Writ Petition No.2414 of 2015
Date of Decision: *September 04, 2015*

Ved Parkash

..... PETITIONER(S)

VERSUS

State of Haryana & others

..... RESPONDENT(S)

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

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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?

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PRESENT: - Mr. R.M. Kaushik, Advocate, for the
petitioner.

Ms. Kirti Singh, Deputy Advocate General,
Haryana.

Mr. S.P. Chahar, Advocate, for respondent
No.6.

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Surya Kant, J (Oral)

1. The short question that arises for consideration in

this case is whether respondent No.7 has removed unauthorised

encroachment from the public street in terms of eviction order

dated 3.9.1996 passed by Assistant Collector 1st Grade and

which was duly upheld by the Appellate and Revisional authorities?

2. The case of respondent No.7 as well as Gram Panchayat appears to be that the encroachment was removed in the year 1999. The petitioner, on the other hand, asserts that respondent No.7 is still in unauthorised possession of the part of the street, namely, the Gram Panchayat property.

3. Vide the impugned order, petitioner's objection has been turned down on the basis of a spot inspection report dated 10.9.2013 conducted by Naib Tehsildar, Kalanaur on the ground that as per the new spot inspection, no encroachment was found.

4. Since the petitioner has questioned the very genuineness of the spot inspection report dated 10.9.2013 and respondent No.7 has not come forward before this Court to defend his position, we are satisfied that it would be in the interest of justice that a fresh demarcation be carried out in the presence of Sarpanch, Panches if any, petitioner, respondent No.7 as well as other respectable of the village.

5. For this purpose, we direct the Deputy Commissioner, Rohtak to depute a revenue officer preferably in the rank of Tehsildar alongwith one Field Kanungo and the Patwari who shall do the needful, keeping in view the Field

Book and Masavi. The demarcation shall be made after giving atleast one week advance notice to the parties. If it is found that the encroachment has not been removed, the Assistant Collector 1st Grade shall proceed further in accordance with law. Let the needful be done within two months from the date of receipt of certified copy of this order.

(Surya Kant)
Judge

(Jaspal Singh)
Judge

September 04, 2015
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