

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.6820 of 2015
Date of Decision:-7.12.2015.

Prabhati Lal

.....Petitioner

Versus

Assistant Collector 1st Grade, District-Mohindergarh, Haryana and
others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

- 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?**

Present: Mr. Narender Yadav, Advocate for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

Mr. Zorawar Singh, Advocate for respondent No.5.

SURYA KANT, J. (ORAL)

1.) The petitioner is a 77 years old senior citizen. So is respondent No.5 who too is stated to be a senior citizen. Both have initiated multiple litigation against each other. The one we are concerned pertains to an alleged encroachment made over the public passage by respondent No.5 thereby causing severe inconvenience to the petitioner.

2.) The fifth respondent though seeks time to file the written statement but on our asking, his learned counsel categorically denies the petitioner's allegation regarding any encroachment over the public passage.

3.) It goes without saying that if respondent No.5 or any other person has made encroachment on the public passage within the *abadi deh*, such encroachment is liable to be removed under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 as applicable to State of Haryana, for the 'public passage' vests in Gram Panchayat.

4.) Since the question regarding the alleged encroachment of public passage can be effectively resolved by the District Administration, it is not necessary for us to express any views on the merits of the case. Suffice it would be to direct the Deputy Commissioner, Mohindergarh to constitute a team of Revenue officials comprising (i) Tehsildar, (ii) Field Kanungo and (iii) Halka Patwari who shall carry out the demarcation after advance notice to both the petitioner and respondent No.5 as well as Sarpanch of the Gram Panchayat. It would be appreciated if the demarcation is carried out in the presence of the BDPO also. If it is found that any encroachment has been made on the public passage, such encroacher shall be required to remove the same within one month.

5.) Disposed of.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

December 7, 2015.

sandeep sethi