

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 7995 of 2015
DECIDED ON: SEPTEMBER 01, 2015

BALJIT KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

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

- 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. G.P. Vashisht, Advocate
for the petitioner.

Mr. Rajesh Bhardwaj, Addl. AG, Punjab.

Mr. Umesh Kumar Kanwar, Advocate
for respondent No. 7.

SURYA KANT, J (ORAL)

Petitioner purchased some agricultural land in village Sehjowal, Tehsil and District Hoshiarpur in the year 2008. She claims that when the land was got demarcated at the site, it was found that a part of it measuring 11 marlas land had been utilised by PWD (B&R) the authorities for construction of road. It is not in dispute that road was constructed way back in the year 1972. The petitioner was

not the owner of the land at that time. The case of the authorities is that on the request of the Gram Panchayat who agreed to make available the land, the road was constructed.

2. It may be true that some khasra numbers owned by Gram Panchayat is still ear marked for construction of the road. If the Gram Panchayat or the State authorities are inclined to release 11 marlas land to the petitioner, it is for them to take such a decision.

3. So far as the petitioner's claim before a court of law is concerned, she will have to establish due diligence at the time of purchase of land measuring 3 kanals 11 marlas. In other words, the onus will be on the petitioner to show that besides verifying the revenue record she also got demarcated the land at the site before registration of sale deed. Such an issue cannot be resolved in a writ petition. We thus, relegate the petitioner to approach alternative remedy available under the law including the liberty to approach the State Government as well as Gram Panchayat.

4. Disposed of accordingly.

(SURYA KANT)
JUDGE

(JASPAL SINGH)
JUDGE

SEPTEMBER 01, 2015
SHAM