

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Civil Writ Petition No.8904 of 2015

Date of Decision: May 07, 2015

Suresh Sharma

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Mohinder Kumar, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of the counsel for the petitioner that respondent No.5-Mohinder Pal Singh @ Binny Maan has encroached upon the public passage by blocking the same by putting barbed wire and also constructing a temporary wall thereon. The attempt primarily is ultimately to take possession of the said property by encroaching thereon. This passage is in Khasra No.337 (1-5) village Karoran, Hadbast No.352, Naya Gaon, Tehsil Kharar, District S.A.S. Nagar, which is a gair mumkin rasta. Petitioner has submitted a representation to the Sub Divisional Magistrate on 21.03.2014 (Annexure P-4) on which it has been recorded by the Sub Divisional Magistrate as follows:-

“21.03.2014

*After conducting enquiry into the facts of the
application, further action be taken as per law.*

Sd/- 21.03.2014

Executive Officer, Naya Gaon”.

He submits that thereafter no further steps have been taken by

the Executive Officer, Naya Gaon-respondent No.4 and the encroachment still exists. In this regard, he has referred to photographs (Annexure P-5).

Counsel for the petitioner states that the petitioner, at this stage, would be satisfied if a direction is issued to respondents 3 and 4, to consider and decide the representation of the petitioner dated 21.03.2014 (Annexure P-4), at an early date so that the public property is protected from being encroached upon.

In view of the statement made by the counsel for the petitioner, a direction is issued to the Sub Divisional Magistrate (SDM), Kharar, Tehsil Kharar, District S.A.S. Nagar (Mohali), Punjab as also the Executive Officer, Nagar Panchayat Naya Gaon, Notified Area Committee, District S.A.S. Nagar (Moahli)-respondents 3 and 4 respectively, to consider and decide the representation of the petitioner dated 21.03.2014 (Annexure P-4), within a period of two months from the date of receipt of certified copy of this order and convey order to the petitioner forthwith.

In case the allegations made by the petitioner are found to be correct, the encroachments on the public land be removed.

May 07, 2015

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**