

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Letters Patent Appeal No.291 of 2015 (O&M)
DATE OF DECISION: 25.02.2015

M/s Haryana Oil Corporation, Charaunda and another
.....Appellants
versus

State of Haryana and others
.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.S. Mittal, Senior Advocate with
Mr. Sudhir Mittal, Advocate for the appellants
..

S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral) :

This is an appeal against the order of the learned single Judge dated 11.11.2014 disposing off the appellant's writ petition by directing the Tehsildar, Gharaunda, to demarcate the appellants' property, namely, Killa No.8/1 (0-5), 8/2 (0-16) and 9/1 (1-17), Khasra No.233 and alleged 'Bachat' (Badhat) land at the spot on 26.11.2014. The learned Judge held that thereafter the site plan would be sanctioned in accordance with law.

2. There is a dispute regarding a part of the property. Respondent No.3-Municipal Committee, Gharaunda is the owner of Khasra No.233 and claims that the appellants had encroached upon a part of its property.

3. The appellants contend that this property has been held as not belonging to respondent No.3. However, the appellants themselves do not own that disputed portion.

Even assuming that it has been found that respondent No.3 has not established its title in respect of that portion, the same would not compel the respondents to sanction the plans of the appellants in respect of the property which they do not own.

4. As recorded by the learned Judge, there is no dispute with regard to the purchase of the land by the appellants. It is, therefore, necessary to have the appellants' property demarcated before sanctioning the plans. The impugned order is not adverse to the appellants. In fact, it would clarify the matter especially regarding the identity of the plots.

5. The appeal is accordingly dismissed.

As we have dismissed the appeal itself, the delay in filing the appeal is condoned.

**(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE**

25.02.2015
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**(AUGUSTINE GEORGE MASIH)
JUDGE**