

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.960 of 2015 (O&M)

Date of Decision: August 11, 2015

Darshan Masih

.....Appellant

versus

State of Punjab and others

.....Respondents

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

Present: Mr.P.P.S.Duggall, Advocate, for the appellant.

Mr.Rajesh Bhardwaj, Additional AG, Punjab.

:-

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?

Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 to 4 only at
this stage.

On our asking, Mr.Rajesh Bhardwaj, learned
Additional Advocate General, Punjab, accepts notice on their
behalf.

Let four copies of the paper book be supplied to
learned State counsel during the course of day failing which
this order shall be automatically recalled and the appeal shall
be deemed to have been dismissed for non-prosecution.

Since no order prejudicial to the interest of
private-respondent Nos.5 to 8 is being passed, we do not
deem it necessary to call upon them.

The instant letters patent appeal is directed against
the order dated 08.01.2015 whereby the learned Single Judge

has disposed of the appellant's writ petition as having been rendered infructuous.

The appellant sought a direction to the official respondents to take action against respondent Nos.5 to 8 who are holding different offices in the Nagar Panchayat, Mallanwala, District Ferozepur and are alleged to have encroached upon the public property owned by the Nagar Panchayat.

Upon notice, State of Punjab filed its reply and the State counsel made a statement before the learned Single Judge that notice (R-1) has already been issued to private-respondent Nos.5 to 8 for removal of illegal encroachment within seven days failing which the same would be demolished. It is in this backdrop that the writ petition was disposed of as infructuous.

Learned counsel for the appellant submits that though a period of eight months has passed after the order was passed by learned Single Judge but encroachments are still there and no effective action has been taken by the authorities.

Having heard learned counsel for the appellant and the State counsel, we dispose of this appeal with a direction to the Deputy Commissioner-cum-Collector, Ferozepur to visit the site and if the allegations made by the appellant are found correct, to further ensure that encroachments made by private-respondents or anyone else be removed within a period of three months after following due procedure. In case the Collector fails to do the needful within the time stipulated, the appellant may initiate contempt of court proceedings and in that event the Deputy Commissioner-cum-Collector,

Ferozepur shall be responsible for the expenses to be incurred by the appellant on the avoidable litigation.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

August 11, 2015
mohinder

[JASPAL SINGH]
JUDGE

CM Nos.2005, 2006 & 2007 of 2015 in
LPA No.960 of 2015

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Darshan Masih versus State of Punjab and others

Present : Mr.P.P.S.Duggall, Advocate,
for the applicant-appellant.
Mr.Rajesh Bhardwaj, Additional AG, Punjab.

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CM Nos.2005 & 2006 of 2015

For the reasons mentioned in the applications, the same are allowed subject to all just exceptions and 9 days' delay in re-filing and 48 days' delay in filing the appeal are condoned.

CMs stand disposed of.

CM No.2007 of 2015

For the reasons mentioned in the application, the same is allowed subject to all just exceptions and the document (Annexure A-1) is taken on record.

CM stands disposed of.

**(SURYA KANT)
JUDGE**

August 11, 2015
mohinder

**(JASPAL SINGH)
JUDGE**