

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

**RA-CW-18 of 2015 in
CWP No. 20560 of 2009
Date of Decision: January 28, 2015**

Arun Walia and another

... Applicants-Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Vivek Goyal, Advocate,
for the applicants-petitioners.

Paramjeet Singh, J. (Oral)

Instant review application has been filed under Order 47 Rule 1 read with Sections 152 and 153 CPC for reviewing judgment dated 23.12.2014 passed by this Court in CWP No. 20560 of 2009.

The grievance of the applicants-petitioners is with regard to fixing of pucca point. The same have been fixed with reference to Villages Naggal and Babyal specifically by measuring the same from rect. No.5, Killa No. 18/1 which is a gair mumkin rasta, Thereafter, similar boundaries have been established. This is clear from the demarcation report (Annexure R-9) in connected CWP No. 20399 of 2009, carried out under orders of this Court that the pucca points have been specifically

established by the authorities. Relevant portion of the report reads as under:-

“From the point of Western northern corner of khasra no. 5//25 Village Naggal measuring 60 karams straight i.e. 330 ft. towards western side, the point was fixed. From this point by measuring 3 karams i.e. 16.6. ft. towards north the western-southern corner of khasra no. 5//18/1 (part of Gair Mumkin Rasta) was fixed. Towards North from this point by measuring 252 karams i.e. 1386 ft. (as per record the boundary of village Naggal and southern side of khasra no. 137 village Babial was fixed. Towards Western side from this point by measuring 4 karam i.e. 22 ft. southern corner of khasra no. 56/8 village Babial was fixed. Towards North from this point by measuring 4 karam i.e. 22 ft. southern side of khasra no. 137 gair mumkin sarak was fixed. From the south-west corner of the fixed khasra no. 56//7 village Babial towards western side, by measuring 51 karams i.e. 280 ft. 6 inch, southern corner of khasra no. 34 was fixed which is northern side of khasra no. 137 Gair Mumkin Sarak. From this point towards south by measuring 25 karams i.e. 137 ft. 6 inch upto the northern corner of khasra no. 56//8 the width of the road was fixed. There is the building of Gurudwara Sahab in khasra no. 1//22/7 which is reserve since consolidation and it is the pucca point for determination. From the eastern northern corner of this khasra number towards North by measuring 2 karams i.e. 11 ft. point was fixed. From the point towards north in the straight line by measuring 4 karam i.e. 22 ft., western southern corner of khasra no. 1//23/1 was

fixed. There is permanent wall constructed at site. From this point towards east in the straight line by measuring 38 karam i.e. 209 ft. the western southern corner of khasra no. 1//18/7 was fixed. From this point, along the boundary line of village Naggal and Ambala Cantt towards east by measuring 35 karam i.e. 192 ft. 6 inch, western northern of corner of khasra no. 1//13/1 was fixed which is the boundary point of village Naggal, Babyal and Ambala Cantt. From this point towards north along the boundary line of the village Babial and Ambala Cantt by measuring 81 karam i.e. 445 ft. 6 inch the south west corner of khasra no. 137 was fixed. From this point towards north of the boundary line by measuring 31 karam i.e. 170 ft. 6 inch, western northern corner of khasra no. 137 gair mumkin sarak was fixed. The confirmation of east north corner of khasra no. 58//1 of village Babial was made by making demarcation from northern and western side (as per record). This point was found correct. From this point, towards south and along the boundary line of village Khojkipur and Babyal, by measuring 107 karam i.e. 588 ft. 6 inch east northern corner of khasra no. 137 Gair Mumkin Sarak was fixed. From this point towards south by measuring 27 karam i.e. 148 ft. 6 inch, eastern southern corner of khasra no. 137 was fixed of Gair Mumkin Sarak. In this way, demarcation of khasra no. 137 gair mukin sarak was done and the points were fixed.....”

Though it is mentioned in the report that there are huge buildings. However, the pucca points have been established from Rect. no.5 as explained in above reproduced paragraph and from those points area of

road has been established during the demarcation. Consequently, the demarcation has been carried out towards the site where the construction is carried out. Once pucca points are established thereafter demarcation can be carried out even in the constructed area

At this stage, learned counsel for the applicants-petitioners states that he may be permitted to withdraw the instant review application with liberty to avail his remedy available to the applicants-petitioners in accordance with law.

Dismissed as withdrawn with the aforesaid liberty.

January 28, 2015
vkd

[Paramjeet Singh]
Judge