

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

CRR No.2081 of 2016 (O&M)

Date of decision : 21.09.2016

Jaswinder Singh

..Petitioner

Versus

Baljit Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Munish Gupta, Advocate
for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

CRM-25797-2016

Allowed as prayed for and site plan (Annexure P-8) is taken on record, subject to all just exceptions.

Main Case

The instant revision petition has been filed by the petitioner, impugning the judgment dated 12.04.2016, passed by learned Additional Sessions Judge, Amritsar (for short 'the revisional Court'), whereby, the revision petition filed by the respondents against the order dated 05.01.2016, passed by learned Sub Divisional Magistrate, Amritsar-I (for short 'the trial Court'), has been allowed.

It is contended that the respondents have illegally opened the gate on the back side i.e right in front of the gate of the petitioner, which has

created hindrance and obstruction in smooth ingress and egress to the petitioner's house. The learned revisional Court has ignored the reports of the Municipal Town Planner, Amritsar as well as of Naib Tehsildar, Amritsar, which clearly suggest that gate opened by the respondents on the backside is not as per law. Therefore, the impugned judgment is liable to be set-aside.

I have heard the learned counsel and perused the entire record on file.

Vide order dated 05.01.2016, the trial Court, on the basis of reports of the Municipal Town Planner, Amritsar and Naib Tehsildar, Amritsar had declared the act of opening the gate on the rear side as illegal. Feeling aggrieved against the same, the respondents preferred a revision petition, wherein, the learned revisional Court had observed that the order dated 05.01.2016 was passed without recording the statements of any of the inhabitants of the locality. After perusing the photographs of the street in question, the learned revisional Court had noticed that the doors of the other houses of the locality also opening in the street, therefore, the revisional Court found no reason to direct the respondents to close the door opening towards the public street. However, the revisional Court while passing the impugned judgment dated 12.04.2016, had directed the respondents not to park the vehicles in front of the house of the petitioner, to avoid any inconvenience or nuisance to the petitioner.

Since, the revisional Court has ordered the respondents not to

park the vehicles in front of the house of the petitioner, the main grievance of the petitioner i.e. obstruction in his ingress or egress to his house, stand redressed. There appears to be no breach of any provision of the Municipal Corporation. In these circumstances, this Court does not find any ground to interfere with the impugned judgment, in exercise of its revisional jurisdiction, as no material evidence or any circumstance has come on record to establish that there is any defect of procedure or that there is improper acceptance or rejection of evidence by the learned revisional Court. This Court feels that the impugned judgment has been passed after proper appreciation of evidence on record and application of judicial mind.

Consequently, the present revision petition fails and is hereby dismissed.

21.09.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No