

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

CWP No.13745 of 2016

Date of Decision : 15.07.2016

Dharampal

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

....

1. Whether Reporters of Local Newspapers 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?

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Present: Mr.J.P.Sharma, Advocate
for the petitioner.

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MAHESH GROVER, J.

The petitioner is aggrieved of the orders dated 20.02.2015, 28.01.2016 and 06.06.2016.

Learned counsel for the petitioner contended that the authorities have failed to provide him with a passage to his house.

On a prior occasion the petitioner has filed CWP No.22734 of 2014 which was disposed of with a direction to the Deputy Commissioner-cum-Collector to take a decision on the prayer of the petitioner within a period of three months from the date of receipt of certified copy of the order. Pursuant thereto the Deputy Commissioner passed an order after giving personal hearing to the petitioner. He concluded that the petitioner was in possession of

Khasra No.38/3 which was a passage from the school land of the Gram Panchayat earmarked in the proceedings under Section 42 of the East Punjab Holding (Consolidation & Prevention of Fragmentation) Act. His claim was rejected on 25.8.2010 on the ground that he had already been provided a passage at the time of consolidation proceedings.

Undisputedly, the petitioner has constructed a house on Khasra No.89 which was the very same area from which passage no.93 has been provided.

It is apparent that the petitioner has usurped the land intended for a passage and reserved as such during the consolidation proceedings. In this way he is a violator as initially he occupied Khasra No.38/3 which is a passage and when it was got vacated he would be precluded from raising any plea for a passage which in any case has been provided as passage no.93. It has been observed that he can be provided passage from khasra No.89 itself from the northern side and the petitioner would be at liberty to avail that benefit.

No ground to interfere.

Dismissed.

(MAHESH GROVER)
JUDGE

15.07.2016
dss

(SHEKHER DHAWAN)
JUDGE