

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17944 of 2016
Date of Decision: 01.09.2016

Milap Singh

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA

- | | |
|--|-----------------|
| 1. Whether speaking/reasoned? | Yes / No |
| 2. Whether reportable? | Yes / No |
| 3. Whether Reporters of local papers may be allowed to see the judgment? | Yes / No |
| 4. To be referred to the Reporters or not? | Yes / No |
| 5. Whether the judgment should be reported in the Digest? | Yes / No |

Present: Mr. GC Shahpuri, Advocate for the petitioner

SURYA KANT, J. (Oral)

(1) The petitioner claims to be the owner of the land in dispute which is part of khasra No.33/23 within the municipal limits of Yamuna Nagar. It appears that the said land measuring 1 kanal 8 marla is part of public passage as per the stand of the Municipal Corporation, Yamuna Nagar. The petitioner, on the other hand, claims that save where the land is acquired in accordance with law and compensation is paid to him, it cannot be declared or included as a part of the public passage.

(2) Since such a claim is said to have been raised by the petitioner vide legal notice dated 14.05.2012 & 29.08.2012 (P2 & P5), we do not express any opinion at this stage and dispose of this writ petition with a direction to the Commissioner, Municipal Corporation, Yamuna Nagar to ascertain the facts and decide the petitioner's above-stated claim by way of a reasoned order within a period of four months from the date of receipt of a certified copy of this order. However in the event of non-acceptance of the

petitioner's claim, he shall be at liberty to approach the Civil Court for appropriate declaration and injunction.

(3) Ordered accordingly.

(Surya Kant)
Judge

01.09.2016
vishal shonkar

(Sudip Ahluwalia)
Judge