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

**RSA-168-2013
Date of decision : 06.12.2016**

Executive Engineer P.W.D (B&R) Palwal and Others Appellants

VERSUS

Poonam Devi Respondent

CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Arun Kumar Yadav, Addl., AG, Haryana
for the appellants.

Mr. Gaurav Singal, Advocate for
Mr. Sanjiv Gupta, Advocate
for the respondent.

DARSHAN SINGH, J.(Oral)

While deciding the present appeal, learned First Appellate Court, no doubt has granted the decree for permanent injunction in favour of the plaintiff-respondent, restraining the appellants from interfering in the possession and ownership of the plaintiff-respondent with respect to the land, measuring 1 kanal, 5 marlas comprising of khasra No.60, killa Nos. 29 and 30, which were purchased by him vide sale deed dated 23.08.1999. However, the appellants herein were given liberty to get the demarcation of property in question at their own assistance.

The dispute between the parties is with respect to the shop and the boundary wall. The plaintiff-respondent is alleging that the said construction is comprised of khasra No.60 killa Nos.29 and 30 measuring 3 kanal, 16 marlas. The appellants are alleging that the plaintiff-respondent encroached upon the area of khasra 528/1 of the defendants-appellants to the

extent of 26 (11+5)/2. As the possession of plaintiff-respondent was moved, so the injunction was granted by the learned First Appellate Court, but appellants given liberty to get the suit property demarcated in order to find out the encroachment, if any made by the plaintiff-respondent in khasra No.528/1.

Therefore, the present appeal is hereby disposed of with the observations that the appellants shall be entitled to get the suit property demarcated by moving appropriate application to Tehsildar, Palwal and if any encroachment is found to have been made by the plaintiff-respondent in khasra No.528/1, the appellants shall entitled to initiate appropriate legal action for removal thereof.

(DARSHAN SINGH)
JUDGE

December 06, 2016

Ramandeep Singh

Whether speaking / reasoned

Yes

Whether Reportable

No