

CR No. 2518 of 2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No. 2518 of 2017

Date of Decision : May 01, 2017

Bhupinder Singh

.....Petitioner

Vs.

State of Punjab & ors.

.....Respondents

CORAM: HON'BLE MR. RAJAN GUPTA

Present: Mr. P.S. Punia, Sr. Advocate with
Ms. Harveen Kaur, Advocate for the petitioner.

Mr. V. Ramswaroop, Addl. A.G. Punjab.

RAJAN GUPTA, J

Present revision petition is directed against the order passed by court below whereby application for appointment of Local Commissioner has been rejected.

While adjourning the case on 07.04.2017, a copy of the petition was handed-over to State counsel to enable him to assist the court. On behalf of the plaintiff-petitioner, it has been urged that Local Commissioner ought to have been appointed in facts and circumstances of the case. Referring to site plan, Annexure P-6, it has been submitted that a wall is being constructed adjoining the road. Same would block the entry to the land of the plaintiff which is even otherwise flooded due to pond nearby. In order to ascertain the correct position, plaintiff-petitioner had prayed for appointment of Local Commissioner. On the other hand, State counsel has submitted that road in question is being widened by 3 feet on either side in the interest of general public. Only a parapet of 2 feet above the road

level is being constructed which is necessary at the spot. The project had taken up under Pradhan Mantri Gram Sadak Yojana. The Kanungo had already demarcated the property in question. Thus, there is no necessity of appointment of Local Commissioner. Besides, there is 26 feet distance between the parapet adjacent the road and land of the petitioner. I find merit in the submission made by State counsel. There is, thus no ground to interfere in revisional jurisdiction. The plaintiff who has filed injunction suit is at liberty to lead evidence in support of his pleas. However, appointment of Local Commissioner is not necessary. Even otherwise in view of judgment reported as ***Harvinder Kaur & anr. Godha Ram & anr. 1979 PLJ 562***, revision petition against the order refusing to appoint a Local Commissioner is misconceived. Dismissed.

May 01,2017

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No