

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

CR No. 3599 of 2017

Date of Decision: 12.07.2017

VIJAY SINGH

-PETITIONER

VS

MUNICIPAL COMMISSIONER, GURGAON AND OTHERS

-RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Pankaj Jain, Advocate,  
for the petitioner.

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**RAJ MOHAN SINGH, J. (ORAL)**

As per report dated 24.11.2014 submitted by Satya  
Prakash Patwari, it was recorded to the following effect:-

*“Seen Khewat/Khata No 220/263 Mustil No 32  
Kila No 17/1/1 (1K-3m) of Shri Vijay Singh son of  
Surjan Singh and rasta No 87 Village Mohhamadpur  
Jharsa, Gurgaon. This land and rasta is in name of  
Kanva Pati. It is not in name of Municipal  
Corporation Gurgaon. Report is presented for  
further action. Copy of jamabandi is enclosed.”*

Prayer for appointment of local Commissioner has  
been declined by the Civil Judge (Junior Division), Gurgaon vide  
order dated 17.04.2017 on the premise that the aforesaid report  
of the local Commissioner was attached with the written

statement and the plaintiff did not file any objection against it and the parties cannot resort to the process of appointment of local Commissioner in order to collect evidence.

Evidently, the land in question is not in the name of Municipal Corporation, Gurgaon.

According to learned counsel for the petitioner, the alleged encroacher has already been proceeded against exparte on 17.10.2014. The aforesaid report dated 24.04.2014 would be having its own evidentiary value at the relevant stage but at this stage, it cannot be presumed that the aforesaid report was on account of appointment of local Commissioner.

The trial Court would be at liberty to consider the validity of aforesaid report dated 24.04.2014 in accordance with law.

Since the order declining the appointment of local Commissioner is not revisable in view of Harvinder Kaur and another vs. Godha Ram and another, 1979 AIR (Punjab) 76, M/s Mohinder Kumar Rajinder Parkash Dalmir Singh alias Dalmira and Mangal Singh and another vs. Piara Lal, 1971 PLR 531, Pritam Singh and anr. vs. Sunder Lal and Ors., 1990 PLJ 418, Sumer Chand Jain vs. Vishnu Bhagwan Mangla 2006(2) RCR (Civil) 445, Rajiv Kumar Batra vs. Kashmiri Lal Sika, 2010(6) RCR (Civil) 37 and Rambir Singh

**vs. Gram Panchayat, Narhera and others, 2012(1) PLR 429, I**

do not consider this case to be fit enough for interference.

Accordingly, the present revision petition is dismissed.

12.07.2017  
*jjyoti Y.*

**(RAJ MOHAN SINGH)  
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No