

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

**Civil Revision No.3641 of 2017 (O&M)
Date of decision: 21.11.2017**

Parminder Singh

.....Petitioner

Versus

Sarla Devi and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Manjit Singh, Advocate,
for the petitioner.

Mr. R.C. Kapoor, Advocate,
for respondent Nos.1 & 2.

Mr. A.K. Singla, DAG, Punjab.

Ritu Bahri, J.

CM No.12957-CII of 2017

Annexure A-1 is taken on record.

Misc. application stands allowed accordingly.

No.3641 of 2017

Challenge in this petition is to the order dated 08.02.2017 (Annexure P-1) passed by the Civil Judge (Junior Division), Rupnagar, whereby it has been observed that report prepared by Parminder Singh, Fleid Kanungo, Halqa Bann Majra, Tehsil Morinda, as Local Commissioner has been made without mentioning the name of village, where he had gone

point from where, the demarcation was started. Neither he informed the defendant nor obtained her signatures on the memo of presence. He did not mention the area purchased by Manjit Kaur from plaintiff-Pargat Singh, which was reflected in the jamabandi. However, he has stated that the defendant was in possession of excess area. As per trial Court, this fact was not required to be stated by the Local Commission, therefore, the report was in violation of the rules laid down by this Court.

Upon notice, reply on behalf of respondent No.5-State by way of affidavit dated 23.08.2017 of Deputy Commissioner, Rupnagar along with fresh demarcation report (Annexure R-5/T), has been filed. As per this report, demarcation was conducted in the presence of Madan Lal, Kanungo and Gurdev Singh, Patwari. After establishing the four corners of Khasra No.4600/6 (0-10), it was found that Sarla Devi and others have illegally encroached upon an area measuring $6 \times 5 = 0-1\frac{1}{2}$ Biswas i.e. 6 Karms on eastern side, 6 Karms on western side, 5 on southern and 5 on northern side of this khasra number. There was a door on the southern side of Khasra No.4600/6. Photographs were taken on the spot.

As per fresh report (Annexure R-5/1), there was encroachment of 1 biswa and 15 biswanis. There is a minor difference in both the reports. However, this Court is of the view that as per fresh demarcation also, there was encroachment of $1\frac{1}{2}$ biswas and thus, the earlier report dated 09.12.2015 (Annexure -3) given by the present petitioner *per se* was similar to the fresh report. There is no need to direct the petitioner to undergo training from the higher authorities.

Keeping in view the fresh demarcation report, order dated 08.02.2017 (Annexure P-1) is being modified to the extent that the

petitioner is directed to be more careful in future while conducting demarcation of the properties. He not required to undergo training in this regard and adverse remarks are ordered to be expunged. Petitioner can continue to discharge his duties.

Disposed of accordingly.

21.11.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No