

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

CR No.6453 of 2017

Date of decision: 21.09.2017

Suresh Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Amanpreet Kaur, Advocate,
for Mr. Har Naresh Singh Gill, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 11.09.2017 (Annexure P-7) passed by the Civil Judge (Junior Division), Samana, whereby application filed by plaintiff-petitioner under Order 26 Rule 9 CPC for appointment of Local Commissioner, has been dismissed.

A perusal of the impugned order dated 11.09.2017 (Annexure P-7) shows that plaintiff-petitioner filed a suit for permanent injunction restraining the defendants from demolishing any part of his shop for the purpose of widening the road at Patran without conducting demarcation in Khasra No.124. While dismissing the application, trial Court has observed that similarly situated defendant No.4 had also been issued a notice by defendant No.3 under the Punjab Municipal Act, 1911, to remove the encroachment.

Since the Municipal Council has already initiated proceedings for

widening the road by removing encroachment, no ground is made out to interfere in the impugned order, as no illegality, much less perversity, has been found therein.

No merits.

Dismissed.

21.09.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No