

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

**C. R No. 6611 of 2017 (O&M)
Date of decision : 28.09.2017**

Tarlochan SinghPetitioner
versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. A.K. Walia, Advocate
for the petitioner.

RITU BAHRI , J. (Oral)

Challenge in this petition is to order dated 07.09.2017 passed by learned Civil Judge (Jr. Divn.), Rupnagar whereby Tehsildar, Rupnagar was appointed as Local Commissioner to demarcate the property comprised in Khasra No. 170 and 171 situated in Hadbast No. 302, village Pipal Majra, Tehsil Chamkaur Sahib, District Rupnagar.

Learned counsel for the petitioner submits that a suit has been filed by the petitioner seeking a declaration to the effect that the report dated 16.10.2009 prepared by defendant No. 4 and 5 comprised in Khasra No. 171 situated in the area of abadi of village Pipal Majra, Hadbast No. 302, village Pipal Majra, Tehsil Chamkaur Sahib, District Rupnagar which is gair mumkin rasta.

Learned counsel submits that earlier CWP No. 17425-2003 was filed by co-sharer Jaspal Singh and during the pendency of the said petition, in pursuance of the order passed by the authorities, demarcation of the above dispute land was carried out in the presence of all the parties in which it was reported that there was no encroachment in Khasra No. 171. The demarcation report dated 27.02.2004 is Annexure P-3. Thereafter, now again a demarcation report dated 16.10.2009 was prepared at the back of the petitioner.

The grievance of the petitioner is that at the time of preparation of demarcation report dated 16.10.2009, the petitioner was not present. He further stated that the suit has been filed by the present petitioner and without recording his evidence, the direction of appointment of local commissioner has been given.

Learned counsel for the petitioner submits that apart from him, there is no other witness to be examined along with record.

In view of the above factual position, this petition is being disposed of by giving a direction to the trial Court to comply with order dated 07.09.2017 after recording the one witness of the petitioner that is he himself. Only one effective opportunity be given to the petitioner to record the evidence.

28.09.2017

G.Arora

Whether speaking/reasoned
Whether reportable

Yes
No

(RITU BAHRI)
JUDGE