

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

CR No. 8838 of 2017(O&M)

Date of decision: 16.12.2017

Shyam

.....Petitioner

VERSUS

Gram Panchayat village Atarchatta

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Bharat Bhushan Sharma, Advocate for the petitioner.

REKHA MITTAL, J.

The present petition directs challenge against order dated 28.09.2015 (Annexure P-3) passed by the Civil Judge (Junior Division), Palwal whereby application for appointment of local commissioner has been rejected.

Apart from the fact that there is delay of 580 days in re-filing the petition and the petition was filed after 6 months of passing of the impugned order, there is no merit in the petition and liable to be dismissed.

Perusal of the order impugned would reveal that the petitioner had filed an application for appointment of local commission (a revenue official) to conduct demarcation of kila No.9/1 (2-05) gair mumkin rasta, The trial Court has noticed that gair mumkin rasta was owned and possessed by proprietors of village Majra Kashipur and the petitioner is not owner in possession of gair mumkin rasta. Counsel for the petitioner has not placed on record copy of the written statement to ascertain stand of the respondents/defendants. However, counsel for the petitioner would inform that the respondents have not disputed existence of gair mumkin rasta at

the spot. In this view of the matter, I do not find any error much less illegality in the impugned order warranting intervention.

For the foregoing reasons, the petition fails and is accordingly dismissed in limine.

DECEMBER 16, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no