

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

Crl. Misc. No.M-20058 of 2016 (O&M)

Date of Decision: June 2, 2017

Yash Bhushan Jain and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Devinder Singh, Advocate, for the petitioners.

Mr. Kuldeep Tiwari, Addl. Advocate General, Haryana.

Amol Rattan Singh, J. (Oral)

In pursuance to orders dated 19.5.2017 and 31.5.2017, a certified copy of the judgment and decree in the suit stated to have been dismissed on 9.4.2012, filed by the father of the present petitioner, i.e. Civil Suit No.14/RBT of 2007/2011, has been produced in Court today by the learned State counsel. The same is taken on record.

A perusal thereof shows that the suit filed by the petitioner's father, seeking permanent injunction, was dismissed, holding that the plaintiff (present petitioner's father), had miserably failed to produce any cogent and reliable evidence to prove his case, that the suit property lies beyond 25% which the defendants can reserve for parks/streets under T.P. Scheme No.12-A.

In short, the plaintiff was held not entitled to the relief of permanent injunction in terms of what he had prayed for.

The suit filed by respondent No.3 herein, Naveen Behal, is also shown to have been withdrawn, with the application filed by his co-plaintiff, Ashok Khurana, in that suit, for revival of the suit, also having been dismissed.

The said orders, as also the judgment and decree aforesaid, all are stated to have become final.

Mr. Tiwari submits that he has gone through the report of the Local Commissioner with regard to inspection of the site in question, in which it has been stated that there is no encroachment on the land of the Municipal Corporation/Government, though the size of the park has been cut down by the Municipal Corporation itself, by widening the road.

In view of the aforesaid, a cancellation report is also sated to have prepared in FIR No.465 dated 28.5.2016, (registered at Police Station Civil Line, Rohtak). The State has also filed a status report by way of an affidavit of the DSP today, to the aforesaid effect. The affidavit is taken on record.

Consequently, this petition has been rendered infructuous and is disposed of as such. However, it is made clear that nothing observed by this Court shall be taken to be an acceptance of any findings of the Local Commissioners' report referred to hereinabove.

June 02, 2017
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(Amol Rattan Singh)
Judge

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