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

**CRM-M No.19398 of 2017
Date of Decision: 26.05.2017**

ASHOK KUMAR & ANR

.....Petitioners

vs.

UT OF CHANDIGARH & ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. A.D.S. Jattana, Advocate
for the petitioners.

RAJ MOHAN SINGH, J. (Oral)

Prayer made in this petition is for issuance of necessary directions to respondents Nos.2 and 3 to take action against respondent No.4.

Learned counsel for the petitioners submitted that petitioner No.2 purchased house number 67/2 in Manimajra by a lawful consideration on 17.01.2014. Adjoining property to the aforesaid house belongs to respondent No.4, who created dispute in respect of courtyard and started alleging that petitioner No.2 has tried to encroach upon the same under the garb of sale deed. Respondent No.4 filed a civil suit in which temporary injunction was refused by *prima facie* finding that the area of the house No.67/2 is 49.50 sq. yards and there is a street towards Southern side. The courtyard in question *prima*

facie was found to be the part of house of petitioner No.2. Respondent No.4 remained unsuccessful in civil appeal before the Additional District Judge, which was dismissed on 06.01.2016.

Learned counsel further submitted that in Civil Revision No.1720 of 2016, order of *status quo* was passed by this Court on the consent of both the parties, wherein it was ordered that none of parties would make any change in the site in question under the garb of *status quo*.

Learned counsel further submitted that the aforesaid order was violated by respondent No.4 and thereafter she withdrew the civil suit on 24.10.2016 on finding that the order of *status quo* has created hurdle in the way of her raising construction on the site. Petitioners filed a complaint before respondent No.3, on which only a DDR has been recorded. The petitioners have also sent a notice to respondent No.2, which is pending consideration before him.

Notice of motion.

On the asking of Court, Mr. Rajiv Sharma, Addl. P.P., U.T., Chandigarh, accepts notice on behalf of respondent Nos.1 to 3. Let requisite copies of the petition be supplied to him by learned counsel for the petitioner during course of the day.

In view of nature of order, which this Court proposes to

pass there is no necessity of calling upon reply at this stage.

At this stage, without meaning anything on the pleadings contained in the present petition, respondent No.2 is directed to take into consideration the pending notice sent by the petitioners on 21.04.2017 and take appropriate action in accordance with law, without being swayed away by any of the factual details given in preceding part of the order.

Let the needful be done preferably within a period of one month from the date of receipt of certified copy of this order.

Petition stands disposed of accordingly.

May 26, 2017

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No