

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

**CRM No.M-35585 of 2014 (O&M)**  
**Date of Decision: November 16, 2017**

Roshan Lal

...Petitioner

VERSUS

Mukhtiari Devi

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Krishan Singh, Advocates  
for the petitioner.

Mr.Shakti Kaushik, Advocate  
for the respondent.

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**INDERJIT SINGH, J.**

Petitioner has filed this petition under Section 482 Cr.P.C. against respondent Mukhtiari Devi for quashing the impugned order dated 06.02.2012 passed by learned Sub Divisional Judicial Magistrate, Bilaspur, in case No.1 dated 06.04.2010 titled as 'Mukhtiari Devi vs. Roshan Lal', whereby the petition under Section 133 Cr.P.C. filed by respondent Mukhtiari Devi has been allowed and the petitioner has been ordered to remove the alleged illegal encroachment and judgment dated 04.06.2014 passed by learned Addl. Sessions Judge, Yamuna Nagar at Jagadhri, whereby the revision petition filed by the petitioner has been dismissed and for quashing all subsequent proceedings.

Notice of motion was issued. Learned counsel for the

respondent appeared and contested the petition.

I have heard learned counsel for the parties and have gone through the record.

From the record, I find that in the present case, respondent-complainant Mukhtiari Devi filed a petition under Section 133 Cr.P.C. before Sub Divisional Magistrate, Bilaspur, District Yamuna Nagar alleging that the respondent has encroached upon the panchayat street by putting bricks and brick bats. That street is saream. Roshan Lal has installed a water tap in the street and the water of the tap gathers in the street. All the residents are facing problems in the street. Roshan Lal has closed this passage. Mukhtiar Devi prayed that illegal possession of Roshan Lal over the public street may be removed.

Learned SDM, Bilaspur, after giving notice to the parties, recorded their statements and after inspection of the spot found that Roshan Lal has illegally blocked the street towards the house of Mukhtiar Devi by putting bricks and brick bats and he has also installed a water tap illegally and fodder machine in the street in front of his house and he has also dig khuntas in the street, which is totally illegal and learned SDM, Bilaspur, ordered for removal of illegal possession of Roshan Lal vide order dated 06.02.2014.

Aggrieved from the order dated 06.02.2014, a revision was filed by present petitioner before Court of Session and learned Addl. Sessions Judge, Yamuna Nagar at Jagadhri, dismissed the revision petition vide judgment dated 04.06.2014.

Aggrieved from the above-said order and judgment passed by

both the Courts below, present revision petition has been filed.

From the perusal of the judgment dated 04.06.2014, I find that learned Addl. Sessions Judge, Yamuna Nagar at Jagadhri held that proceedings under Section 133 Cr.P.C. are maintainable as the suit property was alleged to be public street and same had been held in another litigation between the parties and in this regard, copies of orders of trial court as well as Appellate Court have been placed on record. It is further held that by placing brick bats in the public street and blocking the same, it could not be stated that it is not a nuisance. It is also stated that Roshan Lal revisionist before Court of Session has not disclosed regarding previous litigation, which took place at his instance but the decision of the Court was against him and it was specifically held that revisionist has not been able to prove that suit property which was a public street was an integral part of his house. The Revisional Court below after discussing all these facts dismissed the revision petition.

At the time of arguments, the only argument of learned counsel for the petitioner is that disputed property is not a street. He has not supported and corroborated his argument from any record. Rather, as per order passed by learned Addl. Sessions Judge, Yamuna Nagar, it has been specifically discussed that in the previous litigation, the disputed property was held as a public street. Spot inspection was also made in this case. No other argument has been addressed by learned counsel for the petitioner.

The perusal of the record shows that order and judgment passed by learned Courts below are correct, as per evidence and law and do not required interference from this Court. Nothing has been pointed out regarding as to what illegal has been committed by learned Courts below.

Therefore, finding no merit in the present petition, the same is

dismissed.

November 16, 2017  
Vgulati

Whether speaking/reasoned  
Whether reportable

(INDERJIT SINGH)  
JUDGE  
Yes  
No