

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

**CWP No. 10618 of 2017 (O&M)
Date of decision: 24.05.2017.**

Nagar Sudhar Sabha (Regd.)

..... Petitioner.

Versus

State of Punjab and others

..... Respondents.

**CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MR. JUSTICE DARSHAN SINGH**

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

Mr. P.P.S. Thethi, Additional Advocate General, Punjab.

S.S. SARON, J.

CM No. 7859-CWP of 2017

Learned counsel for the petitioner submits that there are certain mistakes in the civil miscellaneous application. Therefore, he may be permitted to withdraw the same.

Dismissed as withdrawn.

CWP No. 10618 of 2017

The petition has been filed by Nagar Sudhar Sabha (Regd.) ('Sabha' - for short) under Articles 226/227 of the Constitution of India seeking setting aside the action of the Director, Punjab Land Records, Jalandhar; Tehsildar, Tehsil Derabassi, District SAS Nagar and Tehsildar, Tehsil Patiala, District Patiala (respondents No. 3 to 5) in transferring public passage comprised in Khewat No. 288, Khatoni No. 393, Khasra No. 247//3/3/2 (2-0), as per jamabandi for the year 2008-09 (Annexure P8) at village Singhpura, within the area of Municipal Council, Zirakpur.

On the last date of hearing, learned counsel for the petitioner had taken time to file additional affidavit to show *locus standi* of the petitioner to file such a petition; besides, also submit list of members of the Sabha, proceedings books and also the bank accounts of the said Sabha. The civil miscellaneous application, i.e. CM No. 7859-CWP of 2017, filed by him in this regard has been withdrawn.

Mr. P.P.S. Thethi, Additional Advocate General, Punjab, in compliance to the order passed by this Court on the last date of hearing has submitted mutation No. 2075 of village Singhpura, Tehsil Derabassi, District SAS Nagar. However, orders dated 11.04.1989 and 17.02.1990, on the basis of which said mutation had been sanctioned, it is submitted, are not readily available.

Be that as it may, the dispute in the case relates to a passage which, according to the petitioner, is stated to have been encroached upon and the same is in violation of the stay granted by this Court in CWP No.5436 of 1993 vide order dated 13.05.1993 (Annexure P3). According to the petitioner, the passage in Khasra Nos. 247/2 and 247/1 in village Singhpura, Tehsil Derabassi, District SAS Nagar, has been encroached upon and transferred to Motia Developers Private Limited (respondent No.8).

The petitioner may, if so advised, seek demarcation of the area from the revenue officers. The petition relating to disputed question of facts is not to be gone into in exercise of writ jurisdiction of this Court under Articles 226/227 of the Constitution of India. The copies of the orders dated 11.04.1989 and 17.02.1990, referred to above, shall be supplied by

the revenue officials of Derabassi to the petitioner.

The writ petition is accordingly disposed of. However, the question of *locus standi* of the petitioner to file such a petition shall remain open.

(S.S. SARON)
JUDGE

(DARSHAN SINGH)
JUDGE

24.05.2017

Ramesh

- Note:** 1. Whether reasoned/speaking : Yes
2. Whether reportable : No