

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.18323 of 2017.

Date of Decision: August 18, 2017

Prithvi Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Piyush Aggarwal, Advocate, for the petitioner.

Mr.Vishal Garg, Additional AG, Haryana.

-. -

Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 to 4 only at this stage.

On our asking, Mr.Vishal Garg, learned Additional Advocate General, Haryana, accepts notice on their behalf.

Let four copies of the writ petition be supplied to him during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from respondent Nos.1 to 4 or to serve respondent No.5 & 6 at this stage as no final order on merits prejudicial to their interest is being passed.

The controversy pertains to the fact as to whether any encroachment has been made on Khasra No.586 which is admittedly owned by the Gram Panchayat?

It appears that earlier an eviction order was passed on

petitioner's allegation is that khasra No.586 has not been properly demarcated as a result of which encroachment still subsists at the site. It is further alleged that the Gram Panchayat is colluding with respondent No.6 who has allegedly encroached upon that khasra number for the reason that mother of respondent No.6 is Sarpanch of the Gram Panchayat.

Having heard learned counsel for the petitioner it appears to us that the controversy as to whether or not there is any encroachment on khasra No.586, can be factually resolved by conducting proper demarcation of said khasra number. Consequently, the writ petition is disposed of with a direction to the Deputy Commissioner-cum-Collector, Yamuna Nagar to constitute a team of revenue officials including Tehsildar, Field Kanungo and Patwari, who shall carry out the demarcation of Khasra No.586 in the presence of Sarpanch and other respectables of the village. The expenditure, if any, incurred on that demarcation, shall be borne by the petitioner. The needful shall be done within a period of two months from the date of receiving a certified copy of this order.

Dasti.

**[SURYA KANT]
JUDGE**

August 18, 2017
mohinder

**[SUDHIR MITTAL]
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No