

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

CWP No.20167 of 2017 (O&M)

Date of Decision: November 10, 2017

M/s ASF Insignia Sez Pvt. Ltd.

. . . . Petitioner

Vs.

Municipal Corporation Gurugram and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Puneet Bali, Sr. Advocate, with
Mr.Vibhav Jain, Advocate,
for the petitioner.

Mr.Ashok Muthreja, DAG, Haryana.

Mr.Lokesh Sinhal, Advocate, for respondents No.1 & 3.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed for seeking a direction to the respondents to remove the encroachment from the land of the petitioner falling in Khasra No.18//10 to the extent of 0 Kanal 6 marla falling in revenue estate of village Gwal Pahari, Sub Tehsil Wazirabad, Gurugram.

Shorn of unnecessary details, it is submitted that in the jamabandi of village Gwal Pahari, Hadbast No.77, Tehsil Sohna, District Gurugram, the land of the petitioner falling in Khasra No.18//10 is shown as 8-0 chahi. It is further submitted that the land of the respondents in their jamabandi for the same area is shown in Khasra No.70 (4-0) Gair Mimkin. It is also submitted that in Khasra No.70 (4-0) there is a Shamshan and rest of the land belongs to the petitioner. It is further submitted that in the past, the land of the petitioner falling in Khasra No.18//10 which is adjoining to

Khasra No.70(4-0) has been demarcated vide report dated 18.8.2015 and encroachment to the extent of 0 kanal 6 marla was found and again it was demarcated on 26.11.2015 and the same encroachment was found.

Learned counsel for respondents No.1 & 3 however, submits that they are not satisfied with the demarcation report because it was conducted by the retired revenue officer. Counsel for respondents No.1 & 3 has suggested for a fresh demarcation by a serving revenue official so that the dispute between the parties may be resolved forever.

Learned counsel for the petitioner has raised no objection in this regard but has prayed that the demarcation may be directed to be conducted as early as possible because the petitioner is facing difficulty because of the delay as it has to set up a 66 KVA power station for the SEZ.

I have heard learned counsel for the parties and after considering the aforesaid discussion, the present petition is hereby disposed of by appointing Tehsildar, Sohna for the purpose of demarcation of Khasra No.18//10 (8-0) and 70 (4-0). The necessary exercise shall be conducted by the Tehsildar, Sohna within a period of one month from the date of receipt of certified copy of this order. The petitioner is ready and willing to pay the fee of the Tehsildar, Sohna, for the purpose of demarcation, which is quantified at a sum of ₹11000/-. It is needless to mention that the Tehsildar, Sohna shall also specify the exact position where the petitioner has to construct the wall.

November 10, 2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No