

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

CWP No.23347 of 2017 (O&M)

Date of Decision: November 08, 2017

Satpal Saini

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

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

Present: Mr.Arvind Kashyap, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

CM No.15671 of 2017

Application is allowed.

Correct memo of parties is taken on record.

CWP No.23347 of 2017

The grievance of the petitioner is that respondent No.5 may not encroach upon the public street to which the petitioner has the access. It is submitted that already an enquiry has been held by the Estate Officer, Nagar Panchayat, Chaumkaur Sahib in which it has been held that it is a public street. However, the Deputy Commissioner, Roopnagar has further marked the enquiry to the Executive Officer, Nagar Council, Morinda. The basic prayer of the petitioner is that the enquiry may be ordered to be completed within some prescribed time.

I have heard learned counsel for the petitioner.

The grievance of the petitioner is basically that the public street may not be encroached upon by respondent No.5, which is being used by

him for the purpose of ingress and outgress from his house. In this regard, it would be apt to observe that the public street vests in the Municipal Council, therefore, in case the right of the petitioner is being infringed by respondent No.5, who is allegedly going to raise construction over the street, the petitioner has the remedy of filing civil suit for permanent injunction, therefore, the present petition is hereby disposed of relegating the petitioner to avail his remedy of filing suit for permanent injunction in case his personal right is going to be adversely effected by some commission/omission on the part of respondent No.5.

November 08, 2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No