

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

CWP No.3968 of 2016 (O&M)

Date of Decision.23.05.2017

Naveen Gautam and others

.....Petitioners

Vs

State of U.T., Chandigarh and others

.....Respondents

Present: Mr. Yogesh Goyal, Advocate
for the petitioner.

Mr. Suvir Sehgal, Senior Standing Counsel with
Mr. Tarun Walia, Advocate
for respondent No.1 and 2.

Ms. Suman Devi, Advocate for
Ms. Deepali Puri, Advocate
for respondent Nos.3 and 4.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

With the consent of the parties, hearing of the case is preponed
for today itself.

The question raised in the writ petition is with regard to the
illegal encroachment which has been specifically denied by the Chandigarh
Administration and as well as the private respondents. Today, an
application is also listed for appointment of the local commissioner.

All these points are disputed question of fact, particularly,
when the petitioner is alleging to be the neighbour of the private respondent.
It is totally a private dispute. The petitioner is at liberty to seek
adjudication by filing civil suit, as it is disputed question of fact and cannot
be adjudicated under Article 226.

Even the application for appointment of the local commissioner

is not sustainable, as the report of the local commissioner is required to be proved in accordance with law, that would be only within the realm and domain of the Civil Court.

In view of the aforementioned fact, this controversy cannot be decided in writ court. The writ petition is disposed of with the aforementioned observations.

(AMIT RAWAL)
JUDGE

May 23, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No