

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.746 of 2016

Date of Decision: 14.11.2017

Avtar Singh

... Petitioner

VS.

Gram Panchayat, Village Sudhar & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDHIR MITTAL**

Present: Mr. Raman Mohinder Singh, Advocate for the petitioner

Mr. Rahul Rampal, Advocate for respondent No.1

Mr. Rajesh Bhardwaj, Sr.DAG Punjab

Mr. Rinku Singh Baziyan, Advocate for respondent No.3

Mr. AP Kaushal, Advocate – *Amicus Curiae*

SURYA KANT, J. (Oral)

(1) The controversy in this case pertains to the width of public passage which was alleged to have been encroached upon by the petitioner. As against the finding that the petitioner had encroached upon the passage upto 9 inches, the petitioner asserted that the width of passage at the spot was not less than 11 feet. It was in these circumstances that this Court vide order dated 10.08.2017 appointed the Local Commissioner in whose presence, fresh demarcation of the passage was ordered to be carried out by a team of revenue officials.

(2) The Local Commissioner submitted his report on 26.09.2017 and the petitioner, having been found to have slightly encroached upon the passage, it was directed that the width of the said public path be restored to 11 ft.

(3) It is stated by learned counsel for the petitioner that the said encroachment has been removed by the petitioner himself.

(4) The BDPO, Ludhiana has filed a compliance affidavit dated

petitioner has removed the encroachment is duly acknowledged. Though the compliance report is taken on record, however, the BDPO is directed to inspect the site and if any other villager is also found to have encroached upon the public street, let such encroachment be removed in accordance with law. Let the needful be done within three months.

(5) With these observations and directions, the writ petition stands disposed of as having become infructuous.

(Surya Kant)
Judge

14.11.2017
vishal shonkar

(Sudhir Mittal)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No