

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

COCP No.1874 of 2014 (O&M)

Date of decision : 6.12.2018

Residents Welfare Association

..Petitioner

versus

Sh. Manjit Singh and another

.. Respondents

Coram: Hon'ble Ms. Justice Nirmaljit Kaur

Present: Mr. Vijay Sharma, Advocate, for the petitioner.

Mr. R.S. Khosla, Sr. Advocate with
Mr. Sarvesh Malik, Advocate, for the respondents.

Nirmaljit Kaur, J. (Oral)

Learned counsel for the petitioner at this stage has restricted his prayer for removal of encroachment qua 100 ft. wide periphery road behind urban estate, Phase-I (B); village Therhi measuring about 800 yards; encroachment of the Guga Marhi constructed on plot No.462 (measuring 200 square yards) and encroachment of 60 ft. wide road from Phase-I main to Phase-I (B) of Urban Estate.

In order to show that there is encroachment, learned counsel for the petitioner has placed on record various documents and letters of various authorities.

On the other hand, Manjit Singh Cheema, Estate Officer, Patiala Development Authority, Patiala has filed his affidavit dated 12.10.2015 denying the encroachment.

In these circumstances, it may not be possible for this Court to record the finding to the said effect in contempt petition. Accordingly, to take the said controversy to the logical conclusion, this Court deems it

proper to constitute a Committee comprising four members, namely, (i) Chief Administrator, PDA, Patiala, (ii) Estate Officer, PDA, Patiala, (iii) Superintendent Engineer, PDA, Patiala and (iv) Law Officer PDA, Patiala to go into the said question. The petitioner will be at liberty to produce the evidence in support of its claim that there is encroachment which shall be considered by the respondents after giving opportunity to all such persons, who are liable to be affected by the said finding and thereafter, final report/decision by way of speaking order shall be passed within six months from today.

In case the respondents come to the conclusion that there is encroachment, necessary steps to remove the same shall be taken forthwith.

In view of above, no further order is required to be passed in the present contempt petition. The same is accordingly disposed of.

Rule issued to the respondents stands discharged.

(Nirmaljit Kaur)
Judge

6.12.2018
sharmila

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No