

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

**CR No.2455 of 2018 (O&M)
Date of Decision: April 19, 2018**

Ranjit Singh

...Petitioner

Versus

Municipal Committee Sangrur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. S.S. Salar, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

The petitioner-Ranjit Singh and his brother Rai Singh, who were plaintiffs before the Court below have filed against the respondents-State and its Instrumentalities a suit for recovery on account of damages caused to the property by demolishing front side pillars of the four shops of the plaintiffs as detailed in the head note of the plaint. It was during the course of trial, the plaintiff-applicant/now petitioner filed an application for directing Local Commissioner Field Kanungo to demarcate the property of the plaintiff and which stood dismissed through impugned order dated 02.02.2018 (Annexure P/1).

Heard learned counsel for the petitioner and perused the records of the case. Admittedly, in pursuance of directions of this Court passed in CWP No.4559 of 2007 Nagar Council, Sangrur in compliance of directions by this Court had removed the encroachments within their area as it was found by the Office of Executive Engineer, PWD National Highway- 64 at Patiala that large number of persons whose particulars were mentioned in the list had encroached upon public areas and wherein the

name of the petitioner Ranjit Singh was mentioned at serial No.14 and it was mentioned that 2' x 37' on National Highway was encroached upon by the plaintiff. Upon this, the defendants through letter No.1009 dated 14.9.2012 directed the plaintiff to remove the encroachment but to no avail. Thus, in compliance of order of this Court the same was undertaken. As it is there and could not be displaced by learned counsel for the petitioner it was on the application filed by the plaintiff vide orders dated 01.10.2015 Mr. Gurnam Singh, field Kanungo was appointed as Local Commissioner, who submitted his report dated 07.06.2016 and, thereafter, neither any objections were filed to the report of this Local Commissioner nor learned counsel could bring to the notice of the Court any irregularity and rather moving another application which stood dismissed vide impugned order certainly has tried to create fresh evidence to undo the affects of report which was made on the request of the revisionist. The trial Court has rightly held that merely to fill in lacuna the resort is made to such an application. Learned counsel for the petitioner could not convince this Court how there has been miscarriage of justice necessitating intervention by this Court. The impugned order is certainly correct appreciation of law and facts and in consonance with the legal proposition and does not calls for any interference by this Court. The present revision petition being hopelessly without any merits stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

April 19, 2018

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No