

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

-:-

**C.W.P No. 7514 of 2018**

**Date of decision: 15.05.2018**

**Dinesh Kumar**

**... Petitioner**

**Vs.**

**State of Haryana & Ors.**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA**

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Present: Mr. Gaurav Singla, Advocate, for  
Mr. Sanjiv Gupta, Advocate, for the petitioner.

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**G.S.SANDHAWALIA, J. (Oral)**

The present petition has been filed for quashing of order dated 13.02.2018 (Annexure P-11) passed by Joint Commissioner, Municipal Corporation, Ambala, whereby the claim of the petitioner has been denied which was raised in the representation dated 04.04.2017 (Annexure P/9). Perusal of the same would show that request has been made for removing the encroachment upon Khasra No. 455, Patti Acharjan, Hadbast No. 56 Ambala City, which was allegedly encroached upon by the Municipal Corporation. The impugned order would also going to show that while declining the claim of the petitioner the demarcation report conducted on 10.02.2018 has been relied upon that the Municipal Corporation had never encroached upon the land of the petitioner on the said khasra number. It has further been noticed that there are houses constructed on that khasra number. The relevant portion reads as under:-

*“ In the demarcation conducted on 10.02.2018, it has come out that there are houses constructed on Khasra No. 455. On the eastern northern corner of khasra No. 455, there is house No.1233/11, Milap Nagar; on the western corner there is house no. 1246, Badshahi Bagh, on eastern southern corner there is portion of house No.1220-B/11, Milap Nagar, Ambala City. From the demarcation report conducted on 10.02.2018, it is clear that the*

*Municipal Corporation, never encroached upon any land of the petitioner and the claim of the petitioner is false and baseless and as such the same is hereby filed.*

*So, in view of the position enumerated above, the claim of the petitioner is hereby rejected as no encroachment was made by Municipal Corporation, Ambala on Khasra No.455, Patti Acharjan, Ambala City in any manner. Accordingly, annexure P-9 is hereby decided.*

*Copies of the above be sent to the petitioner through registered post.”*

Thus apparently a dispute has arisen as to who is in possession of the said khasra number and disputed facts arise. It is settled principle that the writ Court cannot decide disputed questions of facts under which circumstances the challenge to the impugned order ex facie does not seem to be tenable.

Faced with this situation, counsel for the petitioner submits that he may be relegated to his alternative remedy for redressal before a competent Court.

Ordered accordingly.

**May 15, 2018**  
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**(G.S. SANDHAWALIA)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether Reportable: Yes/No