

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Letters Patent Appeal No. 2187 of 2017 (O&M) in
CWP No. 1882 of 2011
Date of decision: 15.2.2018

Kashmir Singh and others

.. Appellants

v.

Municipal Council and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas Singh, Advocate for the appellants.

...

Rajesh Bindal J.

The order passed by the learned Single Judge dismissing the writ petition has been impugned in the present intra-court appeal.

The prayer made in the writ petition was that possession of the property in dispute, which was taken by Municipal Council, Samana on 22.12.2010, be restored to the appellants. The writ petition was filed in January, 2011. Neither before the learned Single Judge nor before this Court, the appellants have been able to make out a case as to their right, title or interest in the property in question. The only plea sought to be raised is that even for removal of encroachers, due process of law is to be followed. Once the appellants had already been evicted from the land in dispute, in which they did not have right, title or interest, there cannot be any direction

to restore the possession to them. There is no error in the order passed by the learned Single Judge.

Accordingly, the appeal is dismissed. Consequently, the application for condonation of delay in re-filing the appeal is also dismissed.

(Rajesh Bindal)
Judge

(Anil Kshetarpal)
Judge

15.2.2018
mk

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