

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.2646 of 2016 (O&M)
Date of Order: 29.11.2018

Rajpal

..Appellant

Versus

Karan Singh and others

..Respondents

RSA Noo.2647 of 2016

Hukam Singh and others

..Appellants

Versus

Karan Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Nipun Vashist, Advocate,
for the appellant(s)

Mr. Kulbhushan Sharma, Advocate,
for the respondents.

ANIL KSHETARPAL, J(Oral)

On 28.11.2018, after hearing the arguments at length, this court
had passed the following order:-

*“The dispute is with regard to encroachment of the land
in excess of their ownership by the appellant and other
defendants.*

*Learned counsel for the appellant(s) have tried to
point out certain errors in the demarcation report.
Appellant(s) have been offered to get the land
demarcated through Total Station Machine(TSM) which*

is a GPS based machine.

Learned counsel for the appellant(s) seeks a short adjournment to seek instructions in this regard.

Adjourned to 29.11.2018.

A photocopy of this order be placed on the file of connected case.

To be listed in urgent.”

The only dispute between the parties is with respect to encroachment of the land by the appellant, which has been found by a revenue officer who carried out demarcation on 04.12.2005.

Learned counsels for the parties are ad-idem that let a fresh demarcation be got carried out through “theodolite” (Total Station Machine) and parties would be free to join. The demarcation shall be carried out after issuing notice to both the parties. However, once the demarcation has been carried out through “theodolite” in the presence of the parties, they shall not be entitled to raise any objection. Of course, the parties would be at liberty to point out any error in the demarcation to the concerned officials. The demarcation would be carried out by an experienced Naib Tehsildar, who would be accompanied by concerned Kanungo and Halqa Patwari with the entire record.

The appellant would pay the cost of demarcation.

Learned counsel for the appellant submits that the demarcation be carried out after 23.01.2019.

Learned counsel for the respondents has no objection.

Deputy Commissioner, Rewari, is requested to depute an experienced Naib Tehsildar to carry out the demarcation within 3 months

from the date of receipt of certified copy of this order accompanied by an application to that effect.

In view thereof, both the regular second appeals are disposed of.

November 29, 2018
nt

(ANIL KSHETARPAL)
JUDGE

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