

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

103

RSA-3287-2015 (O&M)

Date of Decision : 23.02.2018

Gurcharan Singh

..... Appellant

Versus

Gram Panchayat Village Cheema and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. N.S. Dandiwal, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit filed by the appellant wherein he had claimed that a portion of his house had been illegally demolished by the respondent No.1-Gram Panchayat and a mandatory injunction be issued directing them to restore the same.

Both the courts below noticed that in his cross-examination the appellant had admitted that during an earlier dispute the property had been demarcated and he had been found encroaching over one karam and one kari in the street and consequently dismissed the suit.

Counsel for the appellant has argued that the demarcation report was a marked document and was never proved by examining the person who had demarcated the property.

In my opinion, the argument of the counsel would not avail once the appellant had admitted that as per demarcation report he had been

found to have been encroached on the land in dispute. Consequently, no

fault can be found with the action of the respondent No.1-Gram Panchayat in demolishing that portion of the house which encroached upon the village street.

Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

February 23, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No