

CWP-10016-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-10016-2019

Date of Decision: 12th April, 2019

Banarsi Dass

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Dhruv Gupta, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for removal of an illegal encroachment done towards his property in the form of unlevelled road side drainage with a further prayer for restraining the respondents from demolishing the movable fixtures placed upon the property of the petitioner except in accordance with the provisions of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972.

Counsel for the petitioner submits that the grievance of the petitioner is that the drain, which has been constructed in front of his house, is on a higher level than that of the level of the house of the petitioner. In support of his contention, he has placed reliance upon the photographs , which have been placed on record as Annexure P-3 (colly). His further contention is that he being a senior citizen, aged about 75 years, is finding it difficulty to approach his house because of the said construction being carried out by the respondents. Assertion has also been made that the land

of the petitioner has been encroached upon. Contention has also been raised that the moveable articles of the petitioner, which were placed in his land, have been removed by the respondents. Prayer has, thus, been made for issuance of a *mandamus* to the respondents directing them to remove the illegal encroachment.

I have considered the submissions made by the learned counsel for the petitioner but do not find myself in agreement with the prayer made by him as the demarcation report as well as the photographs do not indicate any encroachment upon the land of the petitioner. Merely because a drain has been constructed and that too, a covered drain in front of the house of the petitioner, level of which is higher than the house of the petitioner, appears to be no reason for having approached this Court by way of filing the present writ petition. The tendency on the part of the citizens in encroaching upon the roads is well-known and should not be encouraged and cannot be so done, rather it cannot be permitted to so happened.

This Court does not find any merit in the present writ petition. The same, therefore, stands dismissed.

12th April, 2019
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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