

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.10523 of 2019

Date of Decision:-06.05.2019

Lakhwinder Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present:- Mr. Bikramjit Aroura, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Petitioner is a resident of village Bohru, Tehsil and District Amritsar.

It is averred that there is a *gair mumkin rasta* (passage) of 3 Karams width and 44 Karams in length comprised in Khasra No.291(2 Kanals 14 Marlas) which leads from the village Phirni towards the residential house (Behak) of the petitioner constructed in his agricultural land bearing Khasra No.47//1.

The grievance is that the private respondent nos.11 to 15 (Pargat Singh, Baldev Singh, Sukhdev Singh, Jasbir Singh & Arjan Singh) have encroached upon a portion of the said passage by extending the construction portion of their residential house, thereby reducing the width from 3 Karams to 2 Karams in that portion of the road. The further

grievance is that no proper demarcation is being conducted nor any consequent proper action by the Authorities concerned.

Upon notice to BDPO, Amritsar and BDPO, Block Attari, Amritsar-respondent nos. 6 & 7, Ms. Anu Pal, Deputy Advocate General, Punjab present in Court accepts notice.

After hearing counsel for the parties and keeping in view the limited prayer, the present writ petition is disposed of with a direction to the Tehsildar concerned to undertake a demarcation of the said passage with Total Station Machine on payment of charges by the petitioner and forward the same to the BDPO/Panchayat concerned for initiation of proper action, if any. It is further directed that upon payment of the charges within two weeks from today, the demarcation shall be conducted within next three weeks.

Disposed of in the above terms.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

May 06, 2019
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>