

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

CWP No.13144 of 2019

Date of Decision:-30.05.2019

Gurjeet Singh.

.....Petitioner.

Versus

The State of Haryana & Ors.

.....Respondents.

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

Present:- Mr. Ankur Malik, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Petitioner is a resident of Barwala, District Panchkula. He is seeking Mandamus for directing official respondents for removal of encroachments on the *Sare Aam Rasta* comprised in *Khasra* No.67/1 measuring 11 *Kanals* and 2 *Marlas* in *hadbast* no.246, Village Barwala, Sub Tehsil Barwala, District Panchkula.

Without issuing notice of motion Mr. Rajiv Doon, Assistant Advocate General, Haryana was directed to seek report from Deputy Commissioner, Panchkula.

At the time of resumed hearing, he has filed the status report wherein it is stated in para no.5 & 6 of the affidavit which are reproduced hereunder:-

letter no.51/MC dated 29.05.2019, the Naib Tehsildar, Barwala has submitted his report and thereby has communicated that in compliance of the orders passed by the Hon'ble Punjab and Haryana High Court, the Halka Kanungo along with the revenue record reached on spot today i.e. 29.05.2018 at 10.00 AM and started demarcation. As per the report of the Halka Kanungo, on the land in dispute there are constructed houses and showrooms are available. Both the parties did not agreed upon the demarcation by tape and requested to get the demarcation carried out to G.P.S. Satellite. On spot, Sarpanch, Complainant (petitioner) and other 20-25 people were present. The Naib Tehsildar, Barwala has also communicated that there is need of police help and G.P.S. Satellite machine for demarcation and accordingly requested to provide the same. As per demarcation report, the Halka Kanungo has intimated that there is apprehension of quarrel amongst the parties. Therefore, it is submitted that the true nature and extent of the encroachment cannot be ascertained till the time.

That the deponent submits that if the encroachment will be found after carrying out the proper demarcation through Station G.P.S. Device, the same shall be removed following the procedure established under the law. Hence, it is humbly submitted that time of two months may kindly be granted for carrying out the said demarcation. ”

In view of the aforesaid contents, learned State Counsel submits that after the conduct of the demarcation the required action for removal of encroachment shall be initiated.

Keeping in view the above, no further orders are required to be passed.

Disposed of as infructuous.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

May 30, 2019
Vinay

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