

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 3665 of 2019
Date of decision: 20.08.2019

Brijlal

...Petitioner

V/s.

Gram Panchayat, village Mulodi,
Tehsil Narnaul and District Mahendargarh

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Gaurav Singla, Advocate for the petitioner.

RITU BAHRI, J. (Oral).

The petitioner has come up in revision against the order dated 18.10.2018 (Annexure P-3) whereby the execution application filed by the petitioner under Order 21 Rule 11 CPC has been dismissed.

A perusal of the order dated 18.10.2018 (Annexure P-3) shows that as per judgment dated 03.10.2016, there was encroachment to the extent of 1317 sq. ft. and the Gram Panchayat had been restrained to carry out the construction/encroachment over the suit property. The Local Commissioner was appointed and in the presence of the petitioner, the demarcation was carried out.

Learned counsel for the petitioner states that the petitioner was not present when the demarcation was carried out.

A perusal of communication letter dated 05.11.2017 "Mark A", which has been produced by learned counsel for the petitioner himself, shows that it was signed by Brijlal-petitioner, Dharampal-Nambardar, Sujan Singh and Kanwar Singh-Chowkidar. In the presence of all these persons, the demarcation has been carried out. Even in the report of Local Commissioner dated 08.11.2017, the signature of the petitioner was there.

Apart from the demarcation, photographs are also captured to show that encroachment has been removed.

Hence, no case to interfere in the order dated 18.10.2018 (Annexure P-3) is made out.

Dismissed.

20.08.2019

Divyanshi

Whether speaking/reasoned

Whether reportable

:

(RITU BAHRI)

JUDGE

Yes/No

Yes/No