

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8039-2020(O&M)
Date of decision: 12.6.2020

Tarlochan Singh Brar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.B.S.Bairagi, Advocate for the petitioner

Mr. Vikas Mohan Gupta, Addl. AG, Punjab

ANIL KSHETARPAL, J. (ORAL)

The petitioner who claims to be a public spirited person has filed the present writ petition under Article 226 of the Constitution of India with the following substantive prayers:-

“I. Issuance of appropriate direction and order to the respondents to remove illegal encroachment, made by some persons after constructing shops on public property belongs to PWD.

II. Further prayer to stop construction of four lane (NH 254) in Baghapurana Town (i.e from opposite chanuwala road to Main Chowk) till the date illegal encroachment has not been remove, whereas construction work has restarts by tilting and shrinking size of drainage from 4 ½ feet to 3 feet, during relaxation in Lockdown 0.3 imposed in view of Covid 19, just to shield the encroacher.”

Learned counsel for the petitioner submits that National Highway Authority is four laning the road but the illegal encroachments have not been removed.

National Highway Authority of India has not been impleaded as a party respondent. Whether private respondents are in unauthorized possession or not, is a disputed question of fact which cannot be normally adjudicated upon in a writ petition. Accordingly, the petitioner is relegated to the alternate remedy.

Disposed of.

12.06.2020	(ANIL KSHETARPAL)
rekha	JUDGE
Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No