

CWP-19718-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CWP-19718-2020

Date of Decision: 09.12. 2020

Satender Singh Grewal

...Petitioner

Versus

Chief Administrator, HSVP & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. V.P. Sangwan, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court putting forth a prayer for issuance of a writ of *mandamus* directing the respondents to remove all encroachments upon the open space, road reservations and road berms etc. illegally encroached by erecting temporary fences, hedges and masonry structures etc. in Sector 23, HUDA (now Haryana Shahri Vikas Pradhikran), Bhiwani.

As per the admitted facts, encroachments, which have been made by the petitioner, stand removed by the concerned authority. It is, under these circumstances, petitioner has approached this Court praying that the removal of the encroachments qua the petitioner is discriminatory and violative of Article 14 of the Constitution of India.

This contention of the learned counsel for the petitioner cannot

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be accepted especially in the light of the fact that the encroachments made by the petitioner stand removed and encroaching upon a public property cannot confer any right upon him to continue with the same on the plea that similar encroachments have been carried out by others in the same Sector 23, Bhiwani. Violation of statutory right or any legal right would obviously confer a right upon the petitioner to assert that his right has been effected in violation of Article 14 of the Constitution of India but for an illegal claim to continue upon an encroachment which has been removed by the concerned authority, does not confer any right upon the petitioner to continue with such an encroachment as other persons are holding on to the public property in the form of an encroachment.

The writ petition, thus, filed by the petitioner is totally misconceived and that too pressing into service Article 14 of the Constitution of India, which would not be available to him. The writ petition, therefore, stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

09.12. 2020

Harish

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