

**105 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP NO. 21565 OF 2020
DATE OF DECISION : 15.12.2020**

Gurdev Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. H. P. S. Ishar, Advocate,
for the petitioner.

Ms. Anu Pal, DAG, Punjab.

ARUN MONGA, J. (ORAL)

At the very outset, learned counsel for the petitioner submits that inadvertently he has mentioned wrong Memo of Parties owing to some typographical mistake and he may be permitted to file a correct Memo of Parties. He may do so in the course of day.

2. The petitioner has approached this Court under Article 226 of the Constitution of India, seeking issuance of writ in the nature of mandamus directing the respondents to take action against the illegal encroachment upon the public land/National Highway land by mischievous persons.

3. Learned counsel for the petitioner submits that petitioner is owner of a plot situated on the edge of Sangrur to Patran National Highway. Some mischievous persons have encroached upon the kachha passage by constructing a shed which is completely illegal and is causing nuisance to the petitioner, apart from otherwise not being legally permissible. Petitioner approached the State authorities for getting the said illegal encroachment

removedbut no action was taken. He also sent a legal notice dated 21.02.2020 (Annexure P-3) which was responded by asking the petitioner to approach the National Highway Authority, as the land in question was owned/acquired by it. The petitioner then served Legal Notice dated 20.10.2020 (Annexure P-4) on NHAI. But neither the same has been responded nor any action has been taken thereon till date. Hence, the petition.

4. In support of his contentions, learned counsel for the petitioner has relied upon the judgment passed by this Court in CWP No. 4886 of 2003 decided on 04.10.2008, whereby general directions were issued to remove illegal encroachments made on public roads, streets, passages, pathways etc.

5. Withoutcommenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority, to look into the Legal Notice dated 21.02.2020 (Annexure P-3) and also by keeping in view the contentions stated in the present petition and proceed in accordance with law.

5. Disposed of accordingly.

DECEMBER 15, 2020
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No