

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

Civil Revision No. 758 of 2021

DATE OF DECISION :- August 25, 2021

Mukhtar Singh

...Petitioner

Versus

Gram Panchayat of Village Bhullar

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Prateek Sodhi, Advocate for the petitioner.

Mr. Lal Singh Sandhu, Advocate for the respondent.

The case has been taken up through Video Conferencing.

Plaintiff Mukhtar Singh had brought a suit for permanent injunction against Gram Panchayat of Village Bhullar, Tehsil Ajnala, District Amritsar with respect to Khasra No. 58//7 (2-16) whereas Gram Panchayat of the said village had brought separate suit for permanent injunction against Mukhtar Singh with regard to Khasra No. 104(6 kanals 18 marlas). Both the parties claim themselves to be in possession of respective Khasra Nos. According to Gram Panchayat, demarcation had been carried out by revenue officials and Burjis were fixed but those were removed by the plaintiff. Another grouse of the Gram Panchayat is that it wants to brick-pave the public passage passing through Khasra No. 104(6 kanals 18 marlas), however, obstruction there is being caused by the plaintiff.

Learned Civil Judge (Junior Division), Ajnala trying both the

suits vide order dated 9.3.2021 observed that it would be in the interest of

justice if both the Khasra Nos. are demarcated simultaneously by the revenue officials and as such appointed Halqa Kanungo to demarcate both the Khasra Nos. in presence of both the parties and then to report as to whether any portion of Khasra No. 104(6 kanals 18 marlas) had been encroached upon. The Gram Panchayat has been directed to pay fee to Local Commissioner assessed as Rs.2,000/-.

Mukhtar Singh has approached this Court by way of filing the present civil revision contending that since he is pitted against the Gram Panchayat, the Halqa Kanungo may be influenced by the Gram Panchayat. Though such apprehension of Mukhtar Singh does not seem to have much force nevertheless to ensure that none of the parties should nurse any doubt regarding impartiality and independence of Local Commissioner, it is directed that Local Commissioner of the area would get the demarcation carried out from Halqa Kanungo appointed as Local Commissioner under his own supervision and he would ensure that the demarcation is being conducted as per High Court rules and orders and instructions of Financial Commissioner, Punjab. It is further directed that in case any of the parties raise any objection with regard to the demarcation that is to be noted by the Local Commissioner dealing with the same as he thinks proper and appropriate in accordance with law.

With such observations, the revision petition stands disposed of.

(H.S. MADAAN)
JUDGE

August 25, 2021

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No