

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

220

CWP-10676-2020 (O&M)

Date of decision: 23.08.2021

RAJ KUMAR

..Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Liaqat Ali, Advocate for the petitioner.
Ms. Kanica Sachdeva, AAG, Punjab.
Mr. Ramesh K. Sharma, Advocate for respondent No.6 and 7.

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Through this writ petition, the petitioner prays for issuance of a writ in the nature of mandamus directing respondent No.2 to 4 to remove the illegal encroachment made by respondent No.6 to 8 at government passage by raising illegal construction and installation of gate in the land reserved for passage. The petitioner relies upon the report submitted by the Tehsildar, Nakodar.

On the other hand, respondent No.6 and 7 have drawn the attention of the Court to the judgment passed in civil suit and the report of the executing officer of the Municipal Committee as well. He submits that the work of cremation ground is being managed by Shamshan Bhoomi Sudhar Sabha which is doing the work for the welfare of the general public and alleged opening of the gate will not help general public and rather create

greater difficulty.

It is apparent that disputed questions of facts are involved which cannot be decided without permitting the parties to lead evidence. Keeping in view the aforesaid facts, the petitioner is relegated to the alternative remedy of civil suit.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

23.08.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE