

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

**RA-CW No. 135 of 2021 (O&M) in
CWP No. 22527 of 2020
Date of Decision: 23.07.2021**

Kanwar Prem Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. Munish Puri, Advocate
for the applicant.

*[The aforesaid presence is being recorded through video conferencing since
the proceedings are being conducted in virtual court]*

JASWANT SINGH, J. (ORAL)

CM No. 8386 of 2021 and

RA No. 135 of 2021

Applicant-Sushil Kumar Saini has filed an application bearing CM No. 8386 of 2021 for impleading Sub-Divisional Officer, Punjab Mandi Board, Pathankot, Executive Engineer, Punjab Mandi Board Pathankot and review applicant himself as party respondents No. 6 to 8 respectively; whereas RA No. 135 of 2021 has been preferred by applicant-Sushil Kumar Saini seeking review of order dated 23.12.2020 passed by us.

[2] It is the contention of review applicant that he is the owner in possession of land situated on the other side of the road where land of writ petitioner is situated and under the garb of the order dated 23.12.2020 passed by this Court, the petitioners have illegally deployed JCB machine and is threatening to raise construction on the land of applicant as well as

approach upon the public road constructed by Punjab Mandi Board, who

was not even impleaded as party respondent in the writ petition.

It is averred that by concealing material facts from this court, the writ petitioners were able to secure an order of getting the land demarcated, wherein demarcation has been done in a hurried manner vide demarcation report dated 17.03.2021 (**Annexure R-8/4**), whereby it has been found that review applicant alongwith another person are in unauthorized possession of the land possessed by Gram Panchayat.

It is stated that although a civil suit for injunction has been filed by review applicant but in view of the nature of order passed by this Court, whereby statement of learned Deputy Advocate General, Punjab has been recorded to the effect that in case after conducting demarcation, any encroachment is found then action would be immediately initiated for removal thereof, the demarcation report is being acted upon without following the due process of law.

[3] We have heard learned counsel for the review applicant and scrutinized the record. However, we find no merit in the instant review application.

[4] It is evident from order dated 23.12.2020 that without going into the merits/ de-merits of the case, we had directed the revenue officials to demarcate the disputed area by adopting scientific method. Further, the learned Deputy Advocate General, Punjab had assured that in case upon demarcation any encroachment is found then action would be immediately initiated for removal thereof. At no stage, had we approved that the report of demarcation has to be taken as gospel truth. Further, it goes without saying that any action that was to be taken by the concerned authorities has to be in

