

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

CR No.2104 of 2020

Date of decision : March 24, 2021

Rajinder Singh Yadav

..... Petitioner

Versus

State of Haryana and another

..... Respondents

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Santosh Kumar Sharma, Advocate for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

Mr. Sunil Shore, Advocate for respondent No.2.

RAJBIR SEHRAWAT, J. (ORAL)

Petitioner is seeking setting aside of the impugned order dated 21.07.2020 (Annexure P-6) passed by the trial Court vide which the application of the petitioner for appointment of the Local Commissioner was dismissed.

It is argued by the counsel for the petitioner that the petitioner had earlier approached this Court twice disputing the claim of the respondents qua alleged encroachment by him upon the land of the respondents. While disposing of CWP No.7384 of 2020 vide order dated 02.07.2020, the petitioner was granted liberty to approach the Civil Court for the purpose of demarcation. It is also submitted by the counsel that all other persons, against whom the notices qua encroachment were issued by the respondents, have also filed civil suits and in all those cases, demarcation has been ordered by the Civil Court. Counsel has further submitted that, by any means, the dispute involved in the present petition

can be resolved only by carrying out the demarcation of the land of the petitioner and the respondents. Hence, the Court below has wrongly declined the application of the petitioner for appointment of Local Commissioner to demarcate the respective properties of the parties.

On the other hand, counsel for respondent No.2 submits that even respondent No.2-National High-Way Authority of India, has no objection if demarcation of the property, in question, is carried out again; by joining the petitioner in the process. However, the petitioner should not be permitted to drag the issue so as to obstruct the construction of the National High-Way.

In view of the above, present petition is disposed of. The order passed by the the trial Court is set aside and the Naib Tehsildar of Badhshahpur village is ordered to be appointed as Local Commissioner to demarcate the suit property as well as the property of the National High-Ways' Authority of India. The demarcation shall be carried out by the Local Commissioner in accordance with the instructions of the Financial Commissioner issued in this regard so that the petitioner may not be able to raise any objection against the report of the Local Commissioner.

It is also ordered that the trial Court shall not entertain any unnecessary objections on the part of the petitioner; against the report of the Local Commissioner.

With the abovesaid observations, the present revision petition is disposed of.

(RAJBIR SEHRAWAT)
JUDGE

March 24, 2021

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Whether speaking / reasoned

Yes

Whether Reportable:

No