

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

**CWP-12551-2021(O&M)
Date of decision: 13.07.2021**

Kanwal Singh and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Mazlish Khan, Advocate, for the petitioners

Mr. Samarth Sagar, Addl. AG, Haryana

ANIL KSHETARPAL, J. (ORAL)

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

The petitioners claim to be residents of village Sukhrali Tehsil and District Gurugram. The aforesaid village has now come within the limits of the Municipal Corporation, Gurugram. The petitioners pray for issuance of a writ in the nature of Mandamus directing respondent no.2 to 4 to take remedial action in terms of the representation dated 10.03.2021. The petitioners have claimed that private respondents have encroached upon *phirni* of the village which is a public passage. It is also not in dispute that the Regular Second Appeal filed by the respondents is pending. In fact, the private respondents filed a suit for permanent injunction against Gram Panchayat, village Sukhrali on 25.09.1992, which was dismissed by the trial court as well as by the First Appellate Court. The Regular Second Appeal filed by the private respondents is admittedly pending. It is also

an admitted fact that the Gram Panchayat has been restrained from raising construction. Since the aforesaid litigation is pending and the interim order continues to operate, it would not be appropriate for the writ court to issue any direction. Hence, the writ petition being wholly mis-conceived, is dismissed.

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

13.07.2021
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No