

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

CWP-25741-2021 (O&M)

Date of decision: 17.12.2021

Megha Ohri

...Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.S.Dadwal, Advocate for the petitioner

Mr. Hittan Nehra, Addl.AG, Punjab

ANIL KSHETARPAL, J (Oral)

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

The petitioner prays for issuance of a writ in the nature of Mandamus directing respondent no.1 to 4 to redress his grievances in notice/representation dated 29.11.2021. The petitioner claims that private respondent no. 7 to 9 have not only encroached upon her property, but even the area of the passage as well as the park. The petitioner relies upon a communication sent by the Municipal Town Planner to the Senior Superintendent of Police, Hoshiarpur, requesting him to provide police help as illegal possession/encroachment is required to be removed. The petitioner alleges that due to political connections the police is not taking any action. The petitioner alleges encroachment by respondent no.7 to 9 (private respondents).

On a Court question, learned counsel representing the petitioner admits that Annexure P-10 is a communication issued by the

Municipal Town Planner for providing police help to demolish the construction.

The Government as well as public authorities have the remedy of removal of unauthorized encroachment on the public land by resorting to the remedy under the Punjab Public Premises Act, 1973. As regards the encroachment on the petitioner's land, she has a remedy of filing a suit for possession. Whether there is any encroachment or not, is a question of fact which is required to be proved by leading evidence. Hence, the petitioner is relegated to the alternative remedy.

Disposed of.

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

17.12.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE