

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

RSA No.653 of 2020 (O&M)

Date of decision: 12.10.2022

Ranjit Singh

....Appellant

Versus

Surinderbir Singh Laddi and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Prateek Sodhi, Advocate
for the appellant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this appeal is for setting-aside the judgment and decrees dated 23.04.2018 and dated 13.11.20198 passed by the trial Court as well as the Lower Appellate Court, vide which the suit of the appellant/plaintiff, praying for a decree of permanent injunction to restrain the respondents from encroaching upon a public path/street was dismissed.

Counsel for the appellant has referred to the written statement, filed on behalf of respondent No.2 – Municipal Corporation, Amritsar, wherein in Para 3 of the reply on merits, it has been observed as under:-

“3.XXXX. In routine checking of the area in question by the staff of the defendant Corporation, it was noticed that both the plaintiff and defendant No.1 have encroached upon the public street by raising the illegal construction in the shape of Thara/ramp in the said public street in front of their houses thereby encroached upon the public street which public street vests in the Municipal Corporation, Amritsar. Nobody is allowed to raise any sort of construction in the public street or to encroach upon any

part of the same. Moreover said encroachment is also to be removed as per various decision of Hon'ble High Court of Pb. & Haryana at Chandigarh. When the replying defendant was going to take action in the matter, in the meanwhile, the present suit has been filed. However any order passed by this Hon'ble Court will be complied with."

Counsel for the appellant has further submitted that since the respondent No.2 – Municipal Corporation, Amritsar, has acknowledged the encroachment and has submitted that the action will be taken after decision of the civil suit, this appeal may be disposed of granting liberty to the appellant/plaintiff to approach the competent Court of law for seeking an appropriate direction to the respondent No.2 – Municipal Corporation, Amritsar to remove the encroachment.

Accordingly, the present appeal is disposed of, with liberty aforesaid.

(ARVIND SINGH SANGWAN)
JUDGE

12.10.2022
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No