

106 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-570-2021
Date of Decision: 12.01.2022

RAJ KUMAR

...Petitioner

Versus

DAL SINGH

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Harish Bhardwaj, Advocate
for the petitioner.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

Petition herein, under Article 227 of Constitution of India is for setting aside the impugned order dated 23.02.2021 (Annexure P-6), vide which, the application filed by the respondent/defendant for appointment of Local Commissioner has been allowed by the learned trial Court.

2. Petitioner/plaintiff has filed a suit for permanent injunction, stating therein that he is the owner in possession of plot measuring 257 Sq. yards (approximately). The defendants are allegedly adamant to cause encroachments on the suit land. Upon notice, the respondent/defendant filed his written statement, stating therein that the said suit property is the part and parcel of Khasra Nos.260 and 261, which is owned by the Punjab Wakf Board and the possession of the petitioner/plaintiff over the said plot is unauthorized and illegal. Respondent along with his written statement, moved an application for appointment of Local Commissioner, which was allowed by the learned trial Court.

3. I have heard learned counsel for the petitioner and gone through the case file.

4. The order assailed herein is premised, *inter alia*, on the following reasoning:

“6. So, in the written statement, the defendant has taken two defences against the present suit. The question whether the plaintiff has encroached upon the land of the Waqf

Board or not is not a matter in dispute in the present case. So far as the suit property as shown in the site plan is concerned, the plaintiff alleged that it belongs to him, whereas, the defendant alleged that the plaintiff has shown part of the land of defendant as his own in order to grab the same. Clearly, the dispute between the plaintiff and defendant is that of demarcation and it is necessary that both the houses of plaintiff and defendant be demarcated.

7. In view of above discussion, the present application is hereby allowed. Halqa Kanungo is appointed as local commissioner to demarcate the house of the plaintiff and defendant by taking into consideration the site plan of plaintiff. He is further directed to verify whether the suit property is within the Abadi-Deh or is part of any Khasra number. His fee is assessed as Rs.2,000/- to be paid by the defendant.”

5. A perusal of above leaves no manner of doubt that there is no irregularity either in facts or in law, so as to exercise extraordinary revisional jurisdiction of this Court.

6. There is no room for interference in the aforesaid valid reasons recorded by the trial Court, with which I am in agreement.

7. Dismissed.

January 12, 2022

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No