

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

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CWP-8625-2022 (O&M)

Date of Decision: 11.07.2022

Liyakat Khan

....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Arihant Jain, Advocate and
Mr. Arun Jindal, Advocate
for the petitioner.

Mr. Deepak Bhardwaj, Deputy Advocate General,
for the respondents.

Amol Rattan Singh, J.(Oral)

By this petition, the petitioner seeks quashing of the notice dated 15.03.2022 (Annexure P/1) and the notice dated 08.04.2022 (Annexure P/4), issued by respondent No.5. He also seeks quashing of the demarcation report dated 14.02.2022 (Annexure P/5).

An affidavit, seen to be attested on 11.07.2022 by the Oath Commissioner, has been filed in court today by the learned State counsel, such affidavit having been executed by the Tehsildar, Panchkula, which is ordered to be taken on record.

As per the said affidavit, the Field Kanungo had issued notice to the Chowkidar for the presence of the petitioner (and other persons concerned with the demarcation), at the time of demarcation of the land on 16.05.2022 at 11:00 A.M.

The Chowkidar's report in that regard (copy Annexure R/1), states that the petitioner (Liyakat Khan), refused to sign the notice, though it is seen to be signed by other persons interested, including one Wilayat Ali.

It is also to be noticed that on 29.04.2022, the following order had been passed by this court:-

“Pursuant to the order dated 27.04.2022, learned State counsel has produced in court today a file, from which he points to the fact that some persons were present at the time when demarcation was carried out on 14.02.2022, though the petitioner, i.e. Liyakat Khan, was not present (though four residents of the village at least prime facie seem to have been present, including one Sher Khan, Mushtak Ali and Naib Singh).

Be that as it may, it is considered appropriate that the petitioner be present at the time that the demarcation is carried out and consequently, the petitioner, as also departmental officials who would be authorized to carry out the demarcation, along with all necessary documents would be present for such demarcation on 16.05.2022 at the site in question, upon which the demarcation would be done at 11:00 a.m.

It is made clear that absence of the petitioner even after this order has been passed will not be an excuse for the petitioner to submit that the demarcation was done in his absence.

Naturally, demarcation would be carried out as per law.

Adjourned to 24.05.2022.

Interim order to continue till the next date of hearing only and specifically.”

Thereafter, on 24.05.2022, the following order had been passed (after reproducing the order dated 29.04.2022):-

“Obviously, a specific date and time was fixed in the presence of learned counsel for the petitioner, on which the demarcation of the place was to be done in the presence of the petitioner.

Today, Mr. Aman Bahri, Addl.A.G., Haryana, has produced in court a report dated 16.05.2022, seen to be signed by the Halqa Patwari and Field Kanungo, in Hindi.

Though a copy of the said report has been given to learned counsel for the petitioner in court today, he seeks time to go through it and to address arguments.

Prima facie at least though virtually ex facie, it would seem that even as per the satellite/drone image produced in court today, the house demarcated therein is shown to be falling very much within an existent path.

Adjourned to 09.06.2022, with the said reports to be put on record and with it also to be noticed that as per the said report, the petitioner did not come present on 16.05.2022 at the time fixed, at the spot, though other persons were present; but with learned counsel having produced in court also an application dated 16.05.2022 shown to be signed by the Patwari, (though what is written in English on that document, is that it was as per telephonic communication).

Obviously, if he wants he would place the same on record, he would do so vide an application.

Interim order to continue till that date only and specifically.

Any request for an adjournment made by counsel for the petitioner on that date will entail immediate vacation of the interim order, with no further order required to be passed in that regard.”

Today, upon seeing the affidavit, annexing therewith the report of the Chowkidar, stating that the petitioner refused to accept notice of the date and time of demarcation, learned counsel for the petitioner does not wish to pursue this petition.

Dismissed as withdrawn.

(AMOL RATTAN SINGH)
JUDGE

11.07.2022
Varinder Prashad

(LALIT BATRA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No