

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

CR-2281-2020 (O&M)
Date of decision: 07.12.2022

Dr. Fateh Singh

....Petitioner

Versus

Haryana State and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jaivir Yadav, Senior Advocate with
Mr. Nitish Singh Sharma, Advocate for the petitioner

Mr.J.S.Pannu, AAG, Haryana
Mr. Harshvardhan Sehrawat, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

1. In a miscellaneous appeal, the First Appellate Court has vacated the temporary order of injunction granted by the trial court. The plaintiffs claim that they are using the piece of land as owners by storing their fuel wood and have also planted trees on the land. It is alleged that the Gram Panchayat by taking the advantage wants to construct a 20 feet passage in the middle of their property, particularly when on the western side a public street exists already. While contesting the suit, it was claimed that the property is the part of khasra no.184, which belongs to the Gram Panchayat and the Gram Panchayat is laying passage, as a link passage, connecting all the passages of the village, for which Gram Panchayat has already passed resolutions dated 03.01.2019 and 13.02.2020. The Local Commissioner went on the spot and found that the Gram Panchayat has already started construction and has levelled the

road. Only tiles were left to be laid. The trial court granted injunction while ordering the status quo, however, the First Appellate Court has vacated the said order.

2. Heard the learned counsel representing the petitioner at length and with his able assistance perused the paperbook. Learned senior counsel while drawing the attention of the Court to page no. 52, a layout plan of the area, in dispute submits that there is a passage on the North as well as the West sides of the property. He submits that on account of the political consideration, a passage in a zig-zag manner, is sought to be laid in order to harm the interest of the plaintiff.

3. This Court has considered the submission of the learned counsel representing the petitioner. From a careful perusal of the layout plan, it is evident that from the North West side, a passage comes in a diagonal manner and then straightens and then travels from North to South direction. There are number of plots abutting the aforesaid passage. That passage is in a straight line. The plaintiff's room continues to exist. There is no harm to the same. It is also not in dispute that the remaining residents who are in possession of the various adjoining plots have never objected to the laying of the passage. Moreover, only tiles are remaining to be laid in order to permit the residents to utilize the passage properly even during the rainy season. In the present case, a private cause is pitted against a public cause. Hence, no ground to interfere is made out.

4. Dismissed.

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

07.12.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE