

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

103

**RSA No.1308 of 2013(O&M)
Date of Order: 07.04.2022**

Rakha

..Appellant

Versus

XEN PWD B&R Department and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.R.Hooda, Advocate
for the appellant.
Mr. Harsh Vardhan, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

The appellant is a plaintiff in a suit for grant of decree of possession with consequential relief of permanent injunction. The suit was filed while alleging that the defendants have encroached upon 3 marlas of land belonging to the plaintiff without compulsorily acquiring the same. The trial Court as well as the First Appellate Court dismissed the suit.

On 12.03.2020, the following order was passed:-

“The plaintiff-appellant has filed the present Regular Second Appeal against the concurrent finding of facts arrived at by the Courts below while dismissing the suit for possession of 2 marlas land against State of Haryana.

Learned State counsel has submitted that the present appeal has been rendered infructuous as the State has already vacated the premises. However, he submits that let this appeal be adjourned for a period of one week enabling him to file an affidavit of the competent officer in this regard.

Adjourned to 27.03.2020.

List in urgent.”

Today, an affidavit dated 17.03.2020, executed by the Executive Engineer, Provincial Division No.1, PWD B&R Branch, Sonapat, has been filed, explaining that on account of reconstruction of sewer line, the road has been realigned while leaving the land/plot of the appellant.

The learned counsel representing the appellant contends that undoubtedly the possession of the major portion of the land has been vacated however, the respondents are still in possession of some of the area.

Keeping in view the aforesaid, the appellant shall be at liberty to file an application before the Executing Court to carry out fresh demarcation and thereafter, take steps for removal of the encroachment, if any, found.

Disposed of accordingly.

April 07, 2022
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(ANIL KSHETARPAL)
JUDGE

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