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2023:PHHC:096499

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCp-1293-2013 (O&M)
Date of decision: 28.07.2023

Baljeet Singh Naik

....Petitioner

Versus

Chander Shekhar & Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Molly A. Lakhanpal, Advocate
for the petitioner.

Mr. Harsh Vardhan Shehrawat, AAG, Haryana.

Mr. Jivesh Malik, Advocate for respondent No.3.

ARVIND SINGH SANGWAN J. (Oral)

The petitioner alleges violation of the order dated 04.11.2008 passed by the Writ Court vide which a direction was issued to the Deputy Commissioner, Kaithal to verify the record of the site and in case a conclusion is drawn that the land, in question is indeed municipal property, then direct the Municipal Committee to take immediate steps for preventing any encroachments, sale, transfer or misutilization of the same and take appropriate action as per the directions contained therein.

This petition is pending since 2013 and successive status reports are filed by the Municipal Committee, Kalayat as well as the Deputy Commissioner.

As per the latest status report dated 20.07.2023, a chart is given, according to which there were 147 encroachments, out of which 76 have already been removed and qua 24, the proceedings under the

Public Premises Act are pending and 47 encroachments are to be removed as litigation is pending. The detail of the litigation pending is also given in the affidavit.

Counsel appearing for the Municipal Committee submits that in some case, stay is granted by different Courts and at this stage, the Municipal Committee cannot take possession of the land, in which the encroachers have obtained the stay order from different Courts.

Counsel appearing for the respondent/MC further submits that necessary survey was conducted and the Municipal Committee is taking appropriate action with regard to the removal of the unauthorized occupants.

In view of the above, the present petition is disposed of having been rendered infructuous, at this stage.

(ARVIND SINGH SANGWAN)
JUDGE

28.07.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No