

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

129

CWP-7468-2023 (O&M).
Date of Decision: 29.05.2023.

DEV RAJ

.. Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Kamal Chaudhary, Advocate,
for the petitioner.

Mr. Saurav Verma, Addl. A.G. Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed for seeking issuance of directions to the respondents Authorities to allow the petitioner to raise RCC wall of his house near the pond of Guga Mari Temple, Village Kansal, District S.A.S. Nagar, Mohali, at his own personal expenses so as to protect his house from any future damage.

A report had been sought from the respondents regarding the claim of the petitioner as to whether the petitioner or any other person is in illegal possession/encroachment over the land of the pond in question or not.

Pursuant to the same, a short reply by way of affidavit of Smt. Aashika Jain, IAS, Deputy Commissioner, S.A.S. Nagar, Mohali, has been filed wherein it has been stated that the Naib Tehsildar, Majri, had been directed to get conducted the demarcation of the area of the pond and also to

prepare the site plan. Accordingly, a report was prepared by the Naib Tehsildar, Majri, along with the Circle Patwari and Kanungo and in presence of Executive Officer, Municipal Council, Nayagaon and some other respectables of village Kansal including the petitioner. The demarcation of the entire area of pond has been got conducted with the Differential Global Positioning System (DGPS) Machine and the petitioner has not been found encroaching upon any area of the pond situated in Kharsa No.172 measuring 7 kanals 17 marlas. It is further reported that most of the area of the village pond is covered by concrete boundary walls raised by the Municipal Council, Nayagaon.

The prayer of the petitioner, however, is with respect to the boundary wall which would be touching the house of the petitioner and therefore, he would like to raise the RCC Structure at his own cost and expenses.

The learned State counsel has no objection to the same.

In view of above, the present petition is allowed and the petitioner is allowed to raise RCC wall of his house near the pond of Guga Mari Temple, Village Kansal, District S.A.S. Nagar, Mohali, at his own cost and expenses.

May 29, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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