

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

CWP-10385-2022

Date of decision : 17.08.2023

Bal Kishan

.....Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Kuldeep Khandelwal, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

Mr. Gursimran Singh Madaan, Advocate
for respondent No.5.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for issuance of direction to respondents No.1 to 3 to get the demarcation of Khasra No.392 to 396 situated in Patti Kayasth Seth, near Samsaan Ghat Kaithal and remove illegal encroachments made by some persons by constructing houses as they have totally blocked the street of cremation ground which is totally illegal, contemptuous against public interest and against Section 181 of Haryana Municipal Act, 1973 as well as against Haryana Municipal (immovable encroachment) bye laws, 1978.

It has been contended by counsel for the petitioner that regarding the encroachment no action has been taken by the respondents and thus, they be directed to carry out the demarcation on the direction of this Court.

Learned counsel for respondent No.5 has filed the reply by way of affidavit of Sushil Kumar, Executive Officer, Municipal Council, Kaithal.

Learned counsel for the petitioner has drawn the attention of this Court to the reply wherein it has been mentioned that the demarcation has already been carried out and the proceedings against the encroachers namely, Pala Ram and Prem Chand Jain were initiated. He further submits that against the order of eviction, Pala Ram filed writ petition No.CWP-24194-2022 wherein this Court has already stayed his dispossession from land measuring 03 marlas and 05 sarsai vide order dated 16.11.2022. It is submitted that the grievance of the petitioner has already been redressed and thus, nothing remains to be adjudicated.

Learned State counsel has also endorsed the submissions made by counsel for the petitioner.

Heard. After hearing counsel for the parties and perusing the record, it is apparent that the action has already been taken by the respondents however, against the order of eviction of Pala Ram, the matter is pending adjudication before this Court. In view of this, the Court finds that nothing survives for adjudication.

Disposed of.

(RAJESH BHARDWAJ)
JUDGE

17.08.2023
m. sharma

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