

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

**COCp-2711-2019 (O&M)
Date of decision : 20.02.2023**

Gram Panchayat Saraswati Nagar

...Petitioner

Versus

Kanwar Vijay Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sandeep Siwach, Advocate
for the petitioner.

Ms. Aashna Aggarwal, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner is alleging violation of the order dated 05.05.1997, passed by this Court in CWP-2034-1996, vide which, it was directed that no construction be carried out on the land in dispute by maintaining *status quo* regarding possession and the nature of the land.

Learned counsel for the petitioner submits that the respondent has constructed the shops over the property in dispute and has, thus, violated the aforesaid order and in this regard, a communication was also sent to the authorities as well as local police. The petitioner has placed on record certain photographs, which are existing at the spot.

Reply, filed by way of the affidavit of the respondent, is on record and as per same, the Director, Consolidation had passed an order on 16.02.1993 regarding rectification of the mistake, which was challenged by way of filing the said writ petition.

Learned counsel for the respondent submits that the shops were constructed in the year 1988 and they were very old and had become dilapidated and unfit for human habitation. It is further submitted that in the month of August, 2019, due to heavy rain, the shops were damaged and thereafter, an appropriate application was moved in the said writ petition seeking permission. It is further submitted that only the necessary repair works were carried out and the same does not amount to any willful disobedience of the order passed by this Court.

After hearing learned counsel for the parties and looking at the photographs, relied upon by the petitioner, it is apparent that the shops were in existence before passing of the aforesaid order and in one shop, there was some business going on, and only some repair work has been carried out, therefore, no case of any willful disobedience is made out.

Accordingly, the present petition is dismissed.

Rule stands discharged.

20.02.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No