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

**CWP-20392-2022 (O&M)
Date of decision : 04.12.2023**

Sanjay Sharma

.....Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Pankaj Attri, Advocate for
Mr. Naresh Kaushik, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

Mr. Udit Garg, Advocate
for respondent No.4.

RAJESH BHARDWAJ, J.

Prayer in the present petition is for directing the respondent authorities to take legal action against illegal, forceful encroachment and sale of public street of Municipal Corporation Yamuna Nagar measuring 10 feet wide passing through houses-plots/Nos.38-35 and Nos.37-36 and comprising in revenue records vide Khewat No.78, Khatoni No.173, Khasra No.109 and Khewat No.82, Khatoni No.178, Khasra No.111 moja Adrash Nagar, Gobindpuri, Yamuna Nagar.

It has been contended by counsel for the petitioner that the Colony Chopra Garden and Adrash Nagar were approved residential colonies of Municipal Corporation vide notification dated 15.07.1996. He submits that 10 feet wide street is in the North of Plot No.36 and 37 prior

to 1981 as per sale deed No.3867 and 3868 of 19.11.1996. He submits that this public street was sold to respondent-Vinod Bakshi on 20.07.2021. He submits that in this matter residents and the complainant made many complaints but no proper action was taken or enquiry was made by the respondent-authorities. It is submitted that petitioner had sent notice dated 10.06.2022 to the official respondents regarding this encroachment but no action has been taken.

Notice was issued in the case and the respondent No.4-MC filed reply to the same. It has been submitted by counsel for respondent No.4 that on receiving the direction from this Court, respondent No.4 constituted a committee to bring on record the status report of the plot/land in question. It is submitted that the committee comprising of 03 members submitted its report dated 28.09.2022 along with the site plan of the said khasra numbers. The same has been placed on record as Annexure R-4/1. He submits that as per the report, it was found that area in dispute was the private plot and the same does not fall in the category of public rasta as per the record of respondent No.4. He submits that the grievance raised by counsel for the petitioner is found to be factually incorrect as the disputed land is not rasta whereas the same is a private plot for which the petitioner has the remedy otherwise.

Heard. After hearing counsel for the parties and perusing the record, it is apparent that for the grievances raised by counsel for the petitioner, respondent No.4-MC has constituted a committee which has enquired into and the enquiry report is also placed on record. It has been found that the contentions raised are factually incorrect as the disputed

land is not a rasta but a private plot. Thus, this Court do not find any merit in the present petition and the same is hereby dismissed as such. However, the petitioner would be at liberty to avail his alternative remedies as available to him under law.

04.12.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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