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

CWP-20454-2023

Date of Decision: September 15, 2023

Paramjit Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.ADS Jattana, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Petitioner has approached this Court praying for setting aside of the order dated 29.08.2023, Annexure P-18, passed by respondent No.3 to carry out the demarcation of Khasra Nos.544/1 & 545/1 and 545/2 within the constructed area of city Mansa, merely to accommodate respondents No.5 and 6 and without jurisdiction under the Punjab Land Revenue Act, as already vide the demarcation report, dated 03.07.2023, Annexure P-16, carried out by respondent No.4, stating that construction in Khasra No.545/2 belonging to the petitioner is correctly situated and no encroachment exists and further stating that unnecessary disputes would originate in the city if these demarcations within the city were carried out leading to unsettling old possession of owners over which buildings stand constructed. It is further prayed to direct respondents No.2 and 3 not to carry out the demarcation and measurements on the basis of request given by shareholder of the khasra no.544/1, without respondent Nos.5 and 6 being in possession of specific portion, in view of the existing directions issued vide the letters dated

28.12.2018, Annexure P-6, as issued by the office of the DC, Fazilka, which may be made applicable.

It has been contended by learned counsel for the petitioner that petitioner is the owner of Khasra No.545/2 whereas respondents are the owner of 541/1 as a share-holders. He submits that demarcation of the same had already been carried out on 03.07.2023 but despite the area having been demarcated now again demarcation is being carried out as is evident from the letter dated 29.08.2023. He has submitted that second demarcation is totally not permissible under the Punjab Land Revenue Act.

Notice of motion to official respondents only at this stage.

On asking of the Court, Ms.Akshita Chauhan, Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondents/State. Counsel for the petitioner is directed to supply a copy of the petition to learned State counsel during the course of the day.

Keeping in view the submissions made by counsel for the petitioner, as the disputed questions of fact have arisen, the Court finds it appropriate to relegate the petitioner for raising his grievances before respondent No.2, i.e. Deputy Commissioner, Mansa, who would hear the same and take an appropriate decision as per law after hearing the parties within a period of four weeks from the date of filing of representation by the petitioner.

Disposed of in the above terms.

September 15, 2023

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(RAJESH BHARDWAJ)

JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No