

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

117

CWP-29309 of 2023

Date of Decision:22.12.2023

Ramchander Dalal

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR**HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Viajy Deep Rathee, Advocate,
for the petitioner.

SURESHWAR THAKUR, J. (Oral)

1. The writ petitioner alleges that for unearthing, the makings of encroachment upon *Gair Mumkin* street, he repeatedly instituted applications before the Assistant Collector concerned, thus for the latter appointing an empowered revenue officer to make valid demarcations of the disputed site.

2. Though in pursuance to the said made applications, the Assistant Collector concerned, as revealed by Annexures P-2 and P-3, passed directions upon the Tehsildar concerned, to make valid demarcations of the disputed site. However, it also appears from a perusal of Annexures P-8, P-9, P-10 and P-12, that since certain hot headed persons may obstruct the revenue officer concerned, to make valid

demarcations of the disputed site. Resultantly, a request was made to the Superintendent of Police, Jhajjar, to deploy an adequate posse of policemen, to ensure that peace prevails, at the site concerned, but it appears that the requests supra, as made to the Superintendent of Police, Jhajjar, have remained unaccommodated to, thereby as but necessarily the empowered revenue officer concerned became precluded, to make valid demarcations of the disputed site.

3. Today, the learned Additional Advocate General, Haryana has not been able to justify the lack of performance of duties, on the part of the Superintendent of Police, Jhajjar, as arising from his not acceding to the requests of the empowered revenue officer concerned, to deploy an adequate posse of policemen, at the relevant site, whereby the empowered revenue officer could become well enabled to carry a valid demarcation of the disputed site.

4. In the wake of the above, the Superintendent of Police, Jhajjar, is directed to forthwith deploy an adequate posse of policemen, at the site concerned, but with an intimation to the empowered revenue officer concerned, so that thereby a valid demarcation of the disputed site, is conducted.

5. After the completions of valid demarcation, of the disputed site, a copy thereof be forthwith supplied to the BDPO concerned, so that in terms thereof, if required, an eviction petition is forthwith instituted before the Assistant Collector concerned. On the Assistant Collector receiving the eviction petition, he shall, within three months of its

preferment before him, thus make a valid speaking decision thereons, but after hearing all concerned.

6. In the wake of the above, the present petition is, accordingly disposed of.
7. Pending applications, if any, also stand disposed of.

(SURESHWAR THAKUR)

JUDGE

(SUDEEPTI SHARMA)

JUDGE

December 22, 2023

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Whether speaking : Yes/No

Whether reportable : Yes/No