

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

128

CR-610-2024 (O&M)

Date of decision:06.02.2024

Rajender

... Petitioner

Vs.

Gram Panchayat Bhakli-1 & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. S.K. Yadav, Advocate for the petitioner.

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SUKHVINDER KAUR, J.

1. The instant revision petition has been filed by the petitioner against the order dated 05.12.2023 passed by the Additional Civil Judge (Sr. Division), Kosli, whereby the objections filed by the plaintiff/petitioner to the demarcation report dated 22.06.2023 were dismissed.

2. Brief facts that are relevant for adjudication of the present revision petition are that the petitioner/plaintiff filed a suit for permanent injunction to the effect that the defendants be restrained from making any kind of encroachment and construction over land of the petitioner bearing killa Nos.7/2/2 (1-9) and 7/3 (3-2) in any manner and further for a decree for mandatory injunction that in case defendants succeed in making encroachment by way of raising construction in the name of *rasta*, then the same be restored to its original position.

3. After issuing notice, defendants appeared and filed written statement. Thereafter during the proceedings before the trial Court, vide

order dated 12.04.2023, the Local Commissioner was appointed for demarcation of Mustil No.39, Killa Nos.7/2/2 – 7/3 and Khasra No.848 of village Bhakli. The Local Commissioner submitted the demarcation report on 22.06.2023. The petitioner filed objections to the Local Commissioner's report. Reply to the said objections was also filed by the respondents. Then the trial Court dismissed the said objections vide order dated 05.12.2023. Aggrieved by the said order, the present revision petition has been filed before this Court

4. It has been contended by learned counsel for the petitioner that the trial Court without taking into consideration the facts and circumstances as well as evidence on record, has dismissed the objections vide the impugned order dated 05.12.2023. The trial Court has not taken into consideration that the Local Commissioner had not completely demarcated khasra No.848 as the same was not started from the *phirni* regarding 22 feet. The report is against the actual position at the spot. He has argued that the said demarcation report is against the provisions of law as the Local Commissioner had submitted in his report that Maan Singh, Vijaypal, Uday Bhan and other persons have encroached upon khasra No.848, but it had not been mentioned therein that how they have encroached upon khasra No.848. He has further submitted that in front of land of the aforesaid persons, defendant No.1 has started raising construction over both sides of khasra No.848 forcibly and illegally and prior to the alleged demarcation report dated 22.06.2023, had disobeyed the order dated 12.04.2023. He has argued that a fresh demarcation report be conducted by the Tehsildar of village Kosli in the presence of the counsel for both the parties and the demarcation

report dated 22.06.2023 is not to be considered.

5. I have heard learned counsel for the petitioner at length and perused the pleadings on record.

6. From the perusal of record, it transpires that vide order dated 12.04.2023, the concerned Halqa Girdawar was appointed as Local Commissioner and was directed to demarcate the property of plaintiff bearing killa Nos.7/2/2 (1-9) and 7/3 (3-2) situated in the revenue estate of village Bhakli, Tehsil Kosli, District Rewari along with the property of defendant No.1 in khasra No.848 which is *gair mumkin rasta*. The main objection that had been raised by counsel for the petitioner is that the Local Commissioner had not demarcated khasra No.848 completely and a false and fabricated report had been submitted by the Local Commissioner in collusion with defendant No.1 and it had also not been specified therein that how the encroachment had been made upon khasra No.848. Perusal of the report of Local Commissioner dated 22.06.2023 reveals that before conducting of demarcation, notice was served upon the parties and thereafter demarcation of property of the plaintiff on khasra No.848 with DGPS Machine was conducted. There is nothing in the report of the Local Commissioner from which it could be inferred that khasra No.848 was not demarcated completely. Rather in the report, it had been clearly stated that Mustil No.39 Killa No.7/2/2 (1-9) and 7/3 (3-2) at Village Bhakli have been demarcated and it was also mentioned therein that the plaintiff had encroached over khasra No.848. So, the objections have been rightly dismissed by the trial Court by appreciating the report of the Local Commissioner dated 22.06.2023, in the right perspective.

7. Consequently being bereft of any merit, this revision petition stands dismissed.

8. Pending application(s), if any, shall also stand disposed of.

(SUKHVINDER KAUR)
JUDGE

06.02.2024

harjeet

1. Whether speaking/reasoned?	Yes/No
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2. Whether reportable?	Yes/No
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