



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1085 of 2024 (O&M)

Date of decision: 05.09.2024

Sanjay Sharma

....Appellant

Versus

State of Haryana and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Sanjeev Sharma, Advocate for the appellant.

G.S. SANDHAWALIA, J (ORAL)

CM-2628-LPA-2024

Prayer is for condonation of 59 days delay in filing the appeal.

For the reasons recorded in the application, which is supported by an affidavit, the same is allowed. Delay of 59 days in filing the appeal is condoned.

Main case

1. Present appeal is directed against judgment dated 04.12.2023 passed in CWP No.20392 of 2022 whereby writ petition filed by the petitioner has been dismissed primarily on the ground that there was a dispute as such regarding the nature of land and contention of the petitioner was that there was a public street, which was being encroached upon.

2. Learned Single Judge however, granted liberty as such to the petitioner to avail his alternative remedy, as per law.

3. The appellant had sought the relief stating that there was forceful encroachment and sale of public street. A perusal of the order would go on to



show that State counsel was directed to get instructions. Respondent No.4-M.C filed a short reply, which stated that respondent No.4 had constituted a committee to bring on record the status report of the plot/land in question. Said report was placed on record as Annexure R-4/1 vide which it was found that the area in dispute was a private plot and the same did not fall in the category of public rasta. Based on the said report, the writ petition was dismissed, however, appellant has been allowed to avail of the alternative remedy, as per law.

4. We are thus of the considered opinion that it would not be appropriate for the appellant to agitate his claim, without challenging the report of respondent No.4-Municipal Corporation, Yamuna Nagar and especially when the appellant has been given liberty to take recourse of alternative remedy, if he so wishes.

5. Accordingly, we dispose of the present appeal with the aforesaid liberty. Pending applications, if any, stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

September 05, 2024
manoj

(MEENAKSHI I. MEHTA)
JUDGE