

CWP-PIL-90-2024

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(116)

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

CWP-PIL-90-2024

Date of decision : 29.04.2024

Gurbachan Singh and another

.....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. Manmeet Singh Bindra, Advocate,
for the petitioners.

Mr. Saurav Khurana, Addl. Advocate General, Punjab.

G.S. SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

1. The petitioners are seeking a direction to the respondents to take legal action against the persons, who are in illegal possession of the land allegedly vested in the Government, and to remove boundary wall and construction, and to utilize the land of *Kucha Hathi Khana*, situated near Shri Darbar Sahib (Golden Temple), Amritsar, for public purposes.

2. A perusal of the paper-book would go on to show that on earlier occasion, vide order dated 06.03.2013 (Annexure P-5), passed by this Court in Civil Miscellaneous No. 1910 of 2013 in CWP No. 16990 of 2006, the Commissioner, Municipal Corporation, Amritsar, was directed to take action, as per law, on the issue of the encroachments upon the public land. It is not disputed that a speaking order dated 16.06.2015 (Annexure P-10) was passed as such by the said official respondent, wherein it was noticed that the disputed

land was neither government land nor the municipal land and neither the land was of central government nor the same was ever acquired under the “Galliara Scheme”, and it was in the ownership of some private respondents. However, the same was subject to pending litigations in the courts.

3. In such circumstances, since there are disputed facts and the factual matrix is not clear, it will not be appropriate for this Court to delve into the controversy, which is in the form of Public Interest Litigation.

4. Resultantly, we do not feel that it is a fit case to be entertained, keeping in view the background as such.

5. Petition is, accordingly, dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

April 29, 2024
ndj

Whether speaking/reasoned	Yes
Whether reportable	No