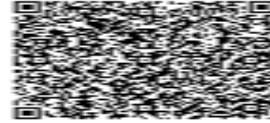


2024:PHHC:109289-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(103)

CWP-20608-2024
Decided on : 23.08.2024

Dalbir Singh @ Dalbir Raj & others

.....Petitioner(s)

Versus

State of Punjab & others

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA

Present: Mr.R.S.Manhas, Advocate for the petitioner (s).

G.S. Sandhawalia, J.(Oral)

1. Prayer in the present writ petition, filed under Article 226/227 of the constitution of India is for issuance of direction to the respondents to remove the encroachment which still remains after the demarcation conducted.
2. A perusal of the paperbook would go on to show that apparently the Contempt Petition was filed for enforcement of the order passed in CWP-1161-2023 titled *Dalbir Singh & others Vs. State of Punjab & others*, decided on 20.01.2023 (Annexure P-5). The learned Single Judge had appointed two Advocates of this Court as Local Commissioners to inspect the site and after taking into consideration their inspection report, the order was passed on 17.07.2024 by noticing that the encroachment had been removed and also cost of Rs.60,000/- had been paid to the petitioners. In such circumstances, we are of the considered opinion that the petitioners now cannot further file a fresh petition on the same cause of action alleging that the encroachment still subsists.

3. Faced with this situation, counsel for the petitioners submits that he does not wish to press the present petition and prays for liberty to avail his alternate remedy, by approaching the Contempt Court, if so advised.

4. Accordingly, the present writ petition is dismissed as not pressed with the aforesaid liberty.

(G.S. SANDHAWALIA)
JUDGE

23.08.2024
Sailesh

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No