

107 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22613-2024 (O/M)
Date of decision : 09.09.2024

Jage Singh Petitioner

Versus

State of Haryana and otehrs Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Sanawar Ali, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, AAG Haryana.

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HARSH BUNGER, J. (ORAL)

CM-14607-CWP-2024

This is an application filed under 3-A (i) of Chapter 6 Part B Volume V of High Court Rules and Orders, seeking exemption from mentioning the Number of Rolls of learned counsel for petitioner as the same has not been applied.

For the reasons mentioned in application, same is allowed and learned counsel for petitioner is exempted from mentioning the Number of Rolls.

Application is disposed of accordingly.

CWP-20613-2024

1. Petitioner (Jage Singh) has filed the instant civil writ petition under Articles 226/227 of Constitution of India, inter alia, seeking a writ in the nature of mandamus for directing the official respondents to remove illegal encroachment over village road (phirni) and pond, with a

further direction that construction of road be carried out after demarcation and removal of illegal encroachment.

2. Briefly, petitioner is stated to be a resident of village Jhadauda. It is stated that there are around 1000 houses in the village and about 30-40 plots outside the phirni (village circular road). Petitioner claims that a drainage is being constructed by the Sarpanch outside the phirni because there are encroachments inside the phirni over village roads and ponds. Petitioner alleges that the encroachers are the known persons of the Sarpanch. It is further alleged that the Sarpanch is proceeding with the construction without proper demarcation and without removing illegal encroachments, which has led to decrease in the width of phirni. It is still further alleged that in the village, there is a pond in khasra No. 193, measuring 5 kanal 15 marlas and there is an encroachment thereon for about 30 ft., however, no action is being taken by the Sarpanch to evict the encroachers. Petitioner claims that he had submitted various representations (Annexure P-1 and Annexure P-2), however, of no avail. Accordingly, the present writ petition has been filed seeking relief, as noticed above.

3. Heard.

4. A perusal of the pleadings made in the writ petition would indicate as if the petitioner is espousing a public cause, however, upon perusal of the representations (Annexure P-1 and Annexure P-2), it is revealed that the petitioner has conveniently masked his real intentions in the writ petition, as would be apparent from the following averments in the representation (Annexure P-1) :-

“2. That neither the Sarpanch has done any measurement nor passed any proposal. On dated 14.08.2024, Jage Singh has left his 10 Feet place in front of the house of Jage Singh, there he has broken my stone pillar of Rs. 2000/-. Due to which, the water comes in the boundary. When I came there at the location, then I have raised objection on it.

3. That the above said Sarpanch came to know that he will complaint to the authority, he is party candidate. He has removed the water resource of half Killa through JCB. Thereafter, he went to the Tehsildar for measurement whereas he is completely guilty as the said work is completely illegal without measurement.”

5. It prima facie appears that the present writ petition may have been filed by the petitioner for some ulterior/oblique motive or to settle his personal scores.

6. That apart, the writ petition raises disputed questions of fact, which would require leading of evidence, which is not possible in the present writ proceedings.

7. In view of the aforementioned facts and circumstances, the present writ petition is dismissed, however, it would be open to the petitioner to avail his other remedies as available to him, in accordance with law.

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

(HARSH BUNGER)
JUDGE

09.09.2024
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No