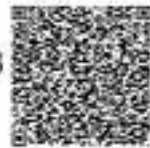


**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2024:PHHC:169811-DB



(118)

CWP-32766-2024

Decided on :18.12.2024

Sandeep Kumar and another

.....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

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

Present: Mr. Ishnoor Singh, Advocate for
Mr. Vikram Singh, Advocate for the petitioner (s).

G.S. Sandhawalia, J.(Oral)

1. Challenge in the present writ petition filed under Articles 226/227 of the Constitution of India is to the eviction orders passed by the three authorities below from the Gali in question, which is stated to be 16 feet wide. The petitioners' father namely Ishwar Singh had been impleaded as respondent alongwith 5 other persons and also the Gram Panchayat.

2. The application was filed on the strength of demarcation report which was conducted on 03.07.2008, which has also been appended as Annexure P-4, in which father of the present petitioners Ishwar Singh was also present. It was found that out of Khasra no.927 Gair Mumkin Gali One Karam i.e. 18x1=0K-2M was in unauthorized possession after constructing the houses and boundary wall. In such circumstances the ejectment order was passed on 12.11.2020 (Annexure P-5) by the Assistant Collector 1st Grade, Kaithal. The appeal filed by the petitioners before the Collector was dismissed on 18.10.2022 (Annexure P-6) by noticing the above facts that in Khasra No.927 construction has been raised. It is also pertinent to notice that the other respondents including the uncle of the present petitioners-Natha Ram son of Nihala brother of Ishwar

was also arrayed as proforma respondents and has, thus, accepted the said order. Similarly, the Divisional Commissioner, Karnal Division, Karnal also upheld the orders on 08.08.2024 (Annexure P-8) by dismissing the revision.

3. It is to be noticed that even before the Assistant Collector the persons who are in unauthorized possession had choose not to put in appearance, which fact was noticed by the authorities. Apparently, the respondent namely Jagdish has been pressing for the removal of the encroachments on the public passage and in such circumstances on the basis of the demarcation report, which was done in the presence of the affected parties and prior to filing of the application and, thus, the eviction orders were passed.

4. In such circumstances, in the absence of any demarcation having been got conducted separately by the petitioners or the other respondents in the ejectment application, we are of the considered opinion that the view taken by the authorities below is not liable to be interfered with in the writ jurisdiction. It is settled principle that the public passages are to be kept open and it is not for the residents to encroach upon the passage, which have been made for the general convenience of the public.

5. In such circumstances, we are of the considered opinion that there is no scope for interference under Article 226/227 of the Constitution of India and the writ petition is hereby dismissed in *limine*.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

18.12.2024
Naveen

Whether speaking/reasoned :	Yes
Whether Reportable :	No