



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

[205]

LPA-1713-2016(O&M)

Date of Decision: 01.12.2025

GURLEEN WANDER AND OTHERS

...APPELLANTS

Versus

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present:- Mr. Amit Jain, Senior Advocate assisted by
Mr. Rajat Malhotra, Advocate and
Mr. Chetan Salathia, Advocate for the appellants.

Mr. Rahul Rampal, Addl. A.G. Haryana.

Mr. Harsh Aggarwal, Advocate for respondent No.4.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present appeal, the challenge is to the impugned order dated 03.06.2016 (Annexure P-1) passed by the learned Single Judge, by which, the writ petition was decided having been rendered infructuous.

2. The learned Senior Counsel appearing for the appellants submits that the declaration that writ petition is infructuous was based upon a demarcation of the disputed Khasra Nos. 1642 and 1699, which was carried out but at the back of the appellants and the appellants are prejudiced by the said demarcation report but without giving any opportunity to avail the remedy against the said demarcation report, the writ petition was disposed of.

3. Learned Senior Counsel appearing for the appellants further submits that the direction was given to remove the encroachments on a public passage. Learned counsel further submits that the appellants be given liberty to challenge the demarcation report qua Khasra Nos.1642 and 1699, as shown in the impugned order before the appropriate forum and in case the appellants are able to prove prima facie case to show that they are not encroachers on a public passage, liberty be given to the concerned Court to pass appropriate orders.



LPA-1713-2016(O&M)

(2)

4. Learned counsel for respondent No.4 raises no objection for the said prayer.
5. Keeping in view the above, the present appeal is disposed of as not pressed with liberty to the appellants to challenge the demarcation report of Khasra Nos.1642 and 1699 before the appropriate forum to prove that appellants have not encroached any public area and the said forum shall be at liberty to pass appropriate orders also in case the appellants are able to show prima facie case that they are not encroachers on a public passage.
6. It may be noticed that in case it is found prima facie that the appellants are not encroachers on a public passage, the directions given by the learned Single Judge, will not bind to the concerned Court.
7. Ordered accordingly.
8. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(ROHIT KAPOOR)
JUDGE

December 01, 2025*Anjal*

Whether speaking/reasoned YES
Whether reportable NO