

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

128

2025.PHHC.011518



CR-4867-2024 (O&M)
Date of decision: 27.01.2025

LACHHMAN ALIAS BICHHU AND ANR

..Petitioners

Versus

MAHABIR AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Alok Mittal, Advocate
for the petitioners.

Mr. Sudhanshu Makkar, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. This civil revision petition has been filed to challenge the correctness of concurrent orders passed by the Courts below while directing the defendant to remove the poles connected with wires from the disputed passage and not to restrain the plaintiff from its usage.
2. The dispute in the present case is with regard to narrow piece of land. The plaintiff claimed that the aforesaid narrow piece of land is a public passage, whereas, the defendant (petitioner) claims that the aforesaid narrow piece of land is his private passage. The suit is pending. Both the Courts have held that the defendant should remove the poles and barbed wire in order to allow usage of the passage.
3. Learned counsel for the parties have been heard at length.
4. The petitioner's counsel submits that ad interim mandatory injunction has been granted by the Courts below without taking into consideration that the plaintiffs do have an alternative passage. He submits

that the disputed portion is his private property, which is being used as private passage.

5. This Court has considered the submissions of learned counsel for the parties.

6. At this stage, the defendant also admits that the disputed property is being used as a passage. In such circumstances, installing poles and putting barbed wires in the passage is not appropriate.

7. Hence, the Courts have ordered their removal. The observations made by the Courts do not amount to decreeing the suit.

8. In view of the aforesaid fact, the revision petition is disposed of with the observation that the trial Court will proceed to decide the suit expeditiously uninfluenced by the observations made in the impugned orders.

9. All the pending miscellaneous applications, if any, are also disposed of.

January 27th, 2025
Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No