



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.6879 of 2023 (O&M)

Date of Order:04.02.2025

Sanjay Kumar and another

.Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Inderjit Sharma, Advocate
for the petitioners.

Mr. Anil Bansal, DAG, Punjab
for respondent no.1.

Mr. Mrigank Sharma, Advocate, for
Dr. Puneet Kaur Shekhon, Advocate
for respondent no.2.

ANIL KSHETARPAL, JUDGE (Oral)

1. The two different Division Benches of this Court have formed an opinion in Harvinder Kaur and another vs. Godha Ram and another 1979 PLJ 562 and Pritam Singh and another vs. Sunder Lal and others, 1990(2) PLJ 191 that the order passed by the trial court refusing to appoint a Local Commissioner is not amenable to be challenged in a revision petition. Moreover, the plaintiffs claimed encroachment at the hands of State of Punjab and Improvement Trust, Gurdaspur and the onus is on them to prove the same.

2. The learned counsel representing the petitioners submits that in absence of appointment of Local Commissioner, the petitioners cannot prove encroachment.

3. This court has considered the submission, however finds no



merit therein. The petitioners are entitled to contact the revenue officials for getting the property demarcated for which no interference from the court is required. Such application can be filed even during the pendency of the suit.

4. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

5. Dismissed.

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

(ANIL KSHETARPAL)
JUDGE

February 04, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No