



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

RSA-3050-2024 (O&M)

Date of decision : 16.05.2025

Hardevinder Singh

...Appellant

Vs.

Jagjinder Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amandeep Singh Manaise, Advocate
for the appellant.

Mr. Gurmeet Singh Saini, Advocate
for the respondent.

ANIL KSHETARPAL, J. (Oral)

1. The defendant assails the correctness of concurrent findings of fact arrived at by the Courts below while decreeing the plaintiff's suit for grant of decree of mandatory injunction directing the defendant to remove encroachment from the public passage. It would be noted here that when the defendant appeared in evidence, he admitted the existence of a public passage.
2. Learned counsel representing the appellant submits that all the three brothers have separately constructed their houses and the public passage leads to dead end, hence, a small hut has been constructed by the defendant.
3. This Court has considered the submission made by the learned counsel representing the appellant.
4. The public passage vests in the public and there cannot be any encroachment on the same. Once, the existence of public passage is not

disputed, the defendant cannot be permitted to continue with encroachment.

5. Keeping in view the aforesaid facts, no ground to interfere is made out.

6. Hence, the appeal is dismissed.

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

16.05.2025
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No