



CWP-34424-2024 (O&M)

-1-

125

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

**CWP-34424-2024 (O&M)
Date of Decision: 12.03.2025**

Gian Dev Sharma @ Gian Bhushan

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGERPresent : Mr. Ajaivir Singh, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

Mr. Pritam Singh Saini, Advocate and
Ms. Kanchan Sindhu, Advocate
for respondents No.3 to 5.

HARSH BUNGER, J. (Oral)

The instant Writ Petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of Certiorari for setting aside order dated 23.08.2023 (Annexure P-8), passed by the Joint Commissioner-cum-Appellate Authority and order dated 05.01.2024 (Annexure P-11), passed by the Commissioner-cum-Appellate Authority.

2. Learned counsel for the parties submit that in furtherance of order dated 03.02.2025, passed by this Court, the demarcation already stands conducted and demarcation report dated 20.02.2025 is already placed on record in this case.

3. A perusal of demarcation report dated 20.02.2025 reflects the unauthorized possession of the petitioner over land comprised in

**CWP-34424-2024 (O&M)****-2-***Khasra* No.67/3.

4. Learned counsel for the petitioner fairly submits that since an undertaking was given on behalf of petitioner before this Court that in case, the petitioner is found to be in possession of any portion of the land from which the eviction is sought, he shall vacate the said premises forthwith, therefore, he may be granted two months' time to remove the unauthorized encroachment from the land comprised in *Khasra* No.67/3.

5. Learned State counsel as well as learned counsel appearing for respondents No.3 to 5 (Municipal Corporation, Karnal) do not raise any serious dispute to the aforesaid course of action being adopted.

6. In view of the above, order dated 23.08.2023 (Annexure P-8), passed by the Joint Commissioner-cum-Appellate Authority and order dated 05.01.2024 (Annexure P-11), passed by the Commissioner-cum-Appellate Authority under the provisions of Haryana Municipal Corporation Act, 1994 are hereby affirmed, however, the petitioner is afforded two months' time from today to remove the unauthorized occupation from the land in dispute. In case, the encroachment is not removed within a period of two months from today, the respondents shall be at liberty to take possession of the said area in accordance with law and all expenses to be incurred by the authorities for removal of the unauthorized possession shall be borne by the petitioner.

7. The present writ petition is disposed of in the aforestated terms.

8. All pending application(s), if any, shall also stand closed.

12.03.2025*Himani***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No