

152 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6763-2026 (O/M)
Date of decision : 09.03.2026

Balveer Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. S.S. Bhullar, Advocate for
Mr. Ravinder Singh Maur, Advocate
for the petitioner.

Mr. Harpreet Singh, AAG Punjab.

-. -

-. -

HARSH BUNGER, J. (ORAL)

1. Prayer in this civil writ petition filed under Article 226 of Constitution of India, inter alia, is for issuance of a writ in the nature of mandamus for directing revenue authorities to conduct fresh demarcation of land, comprised in Khasra No. 473 (1-2) Gair Mumkin Rasta and Khasra No. 479/2 (0-3) Gair Mumkin Roori, situated at village Kotli Khurd, Tehsil Maur, District Bathinda.

2. Petitioner states that he submitted an application dated 23.08.2023 (Annexure P-1) before the Tehsildar, Maur, requesting demarcation of aforesaid land; however, no action was taken thereon. It is alleged that when the petitioner approached respondent No. 5-Block Development and Panchayat Officer, Maur (in short 'BDPO') then the said officer demanded illegal gratification for carrying out the demarcation.

2.1 Thereafter, the petitioner is stated to have submitted a written complaint dated 09.04.2024 before Deputy Commissioner, Bathinda, which is stated to have been earmarked to Sub Divisional Magistrate, Maur for inquiry and later on, the demarcation was carried out on 25.11.2024 (Annexure P-3) and consequently, the petitioner is stated to have withdrawn his earlier complaint.

2.2 It is the case of petitioner that the BDPO concerned issued a letter dated 13.02.2025 (Annexure P-4) declaring the demarcation void and on account of aforesaid arbitrary cancellation of earlier demarcation report, respondent No. 7 (Sarpanch of village Kotli Khurd) has illegally encroached upon petitioner's land. It is stated that the petitioner submitted a representation (Annexure P-7) before revenue authorities; however, no action has been taken thereon.

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition before this Court for seeking relief(s), as noticed hereinabove.

4. Heard.

5. The petitioner is aggrieved against letter dated 13.02.2025 (Annexure P-4), issued by BDPO concerned, the relevant extract of which reads as under :-

“With reference to the above subject and the letter under reference, it is submitted that an application given by Balvir Singh son of Balwant Singh, resident of Kotli Khurd, was received. On 30.01.2025, the undersigned, along with Kuldeep Singh Panchayat Secretary, Kotli Khurd, and Sandeep Singh, concerned Patwari, inspected the spot and held discussions with adjoining householders regarding the above said Pahi/Rasta. It was found that in Khasra

Nos. 474, 475, 476, 477, 478, a Peerkhana (religious place) has been constructed, and its boundary wall has been erected. There is a main gate of the Peerkhana on the main road, and as per Jamabandi, its length is 18 Karams. Thereafter, there exists a passage of 3 Karams, but the persons of the Peerkhana have extended their boundary wall up to 22-23 Karams.

Thus, the Gair Mumkin Rasta, Khasra No. 473, falls within the Peerkhana. However, the demarcation conducted on 25.11.2024 is not correct. The Panches and Sarpanch of Gram Panchayat, Kotli Khurd, have made a written request that no action be taken on the basis of demarcation conducted on 25.11.2024. Furthermore, with respect to the above said passage, civil suits bearing Case No. CS-19-2024 and CS/893/2024 are pending in the Court of Talwandi Sabo.

Therefore, it is humbly requested that the demarcation of the above said passage be conducted afresh by constituting a panel.”

5.1 A perusal of above extracted letter dated 13.02.2025 (Annexure P-4) would show that Gram Panchayat of village Kotli Khurd had submitted a request that the demarcation conducted on 25.11.2024 (Annexure P-3) be not acted upon. It has been further noticed that there are two civil suits, which are pending before the civil courts.

5.2 During the course of hearing of this writ petition, it is not disputed by learned counsel for petitioner that the petitioner has already filed a civil suit (Annexure P-6) bearing No. CS/893/2024, wherein following prayer has been made :-

“Suit for possession against defendant No. 1 and 2 on the basis of title of land measuring 81 Sq. Yards and 09 Sq. Yards (Gairmumkin Roori) bearing Khasra No. 479/2 (0-3),

comprised in Khewat No. 60, Khatauni No. 91 situated within the revenue limits of village Kotli Khurd, Tehsil Maur and District Bathinda, as per Jamabandi for the year 2022-23 fully described in demarcation report Naksha twaft dated 25.11.2024.

And

Suit for mandatory injunction directing the defendant No. 1 to 5 to remove illegal and unauthorized encroachment over common Rasta / Gali leads to the gairmumkin land of the plaintiff and others i.e. 219 Sq. Yd. (122'-9" + 126'-5" X 16'-6" + 16'-6"), 125 Sq. Yd. (6'-6"+71'-6" X 16'-6" + 16'-3", 28 Sq. Yd. (16'-6"+15'-1" X 16'-3" + 16'-3") and 113 Sq. Yd. (64'-6"+61'-11"X 16'-3"+16'-6") bearing Khasra No. 473 (1-2) comprising in Khewat No. 920, Khatauni No. 1335 situated within the revenue limits of village Kotli Khurd, Tehsil Maur and District Bathinda, as per Jamabandi for the year 2022-23, fully described in demarcation report and Naksha twaft dated 25.11.2024."

5.3 It is not further disputed that in the aforesaid suit, learned Civil Judge (Junior Division), Talwandi Sabo, vide order dated 10.12.2024 has already restrained defendant from interfering in the peaceful possession of petitioner herein over land measuring 4 kanal – 4 marla, comprised in khasra No. 92//12/2 and further restraint order has been passed for not interfering illegally and forcibly in the joint possession over khasra No. 479/3 (0-3), situated at village Kotli Khurd.

6. Before this Court, the petitioner has not attached the relevant revenue record in respect of area comprised in khasra No. 473 and khasra No. 479/2 despite the petitioner having been granted two opportunities to file fresh writ petition, vide order dated 22.09.2025 (Annexure P-8) and order dated 28.01.2026 (Annexure P-9).

7. Considering the aforementioned facts and circumstances, I am of the considered view that the instant petition involves disputed questions of facts, which would require leading of evidence, which is not possible in present proceedings. Furthermore, the parties are already before the civil courts, therefore, the instant civil writ petition is dismissed; however, leaving it open to petitioner to pursue his remedies before the civil courts in accordance with law.

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

(HARSH BUNGER)
JUDGE

09.03.2026
sjks

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