



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

129

CR-2223-2026

Date of decision: 11.03.2026

SUDHIR KUMAR AND OTHERS

....Petitioners

Versus

MUNICIPAL COMMITTEE, ELLANABAD AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. P.K. Ganga, Advocate for the petitioners.

Mr. Praveen Kumar, DAG, Haryana.

YASHVIR SINGH RATHOR. J.(Oral)

1. This revision petition is directed against the order dated 07.01.2026 passed by the Court of Additional Civil Judge (Senior Division) Ellenabad, whereby land owned by the petitioners/plaintiffs has been ordered to be demarcated in a suit instituted by them instead of land over which firni exists, which has allegedly been encroached upon as well as the order dated 18.02.2026, vide which review application has been dismissed.

2. I have heard learned counsel for both the parties and have gone through the material placed on the file.

3. Case of the plaintiffs is that they are owners in possession of land comprising Khasra Nos.168 and 185. Defendants issued a notice, calling upon them to remove their construction existing over Khasra Nos.168 and 185, abutting to the firni comprised in Khasra No.580. Defendants are relying upon one demarcation report dated 05.08.2025, which was conducted at their back and same is not binding upon them. As per their version, they have not encroached upon any



portion of land comprising Khasra No.580 over which firmi exists. Learned trial Court vide order dated 07.01.2026 observed that valid objections have been raised against the said demarcation report and ordered fresh demarcation. The trial Court directed Tehsildar Ellenabad to appoint some Revenue official to demarcate the land belonging to the plaintiffs adjacent to the firmi in question. Aggrieved with the said order, the petitioners moved an application for review of the order on the ground that the land over which firmi exists i.e. Khasra No.580 should be demarcated and not the land owned by them, so that encroachment, if any, over Khasra No.580 can be removed. However, the review application was dismissed vide order dated 18.02.2026.

4. In this manner, the dispute between the parties is whether plaintiffs have encroached upon land comprising Khasra No.580 or not over which firmi exists. In the initial application moved by the Municipal Committee to Tehsildar Ellenabad, no reference has been made for demarcation of land comprising Khasra No.580 over which firmi exists. Rather, following application has been moved:-

“To

*The Tehsildar,
Ellenabad*

Sr. No.1090/MCENB Dated:

Subject: For conducting demarcation.

In reference to the above subject, it is written to you that a road is to be constructed by the Municipal Committee, Ellenabad from Sankat Mochan Mandir Road to the Firni of Balmiki Chowk, but there is an illegal encroachment of the common people on some parts of the above said road. So, it is sure that the demarcation of the above said road is to be done so that no obstruction is caused during the construction of the road.



Therefore, it is requested from your goodself to kindly demarcate the above said road so that the construction of the road can be started within the prescribed period of time.

*Sd/-
Secretary,
Municipal Committee, Ellenabad”*

5. A perusal of the aforesaid application shows that Municipal Committee-defendants seek to remove encroachment from Sankat Mochan Mandir Road to the Firni of Balmiki Chowk. As such, the dispute in question can be resolved effectively if the land owned by the plaintiffs comprising Khasra Nos.168 and 185 as well as land comprising Khasra No.580 over which firni exists are demarcated.
6. Resultantly, the petition in hand is partly accepted and the orders dated 07.01.2026 and 18.02.2026 passed by the trial Court are modified to the effect that the Tehsildar Ellenabad by appointing a Revenue Officer, shall get demarcated the land owned by the plaintiffs bearing Khasra Nos.168 and 185 as well as land comprising Khasra No.580 over which the firni exists.
7. Accordingly, petition stands disposed of.

11.03.2026
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

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