



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-PIL-84-2024 (O&M)
Reserved on : 17.04.2026
Pronounced on: 27.05.2026
Uploaded on : 27.05.2026

Whether only operative part of the judgment is pronounced or the full Judgment is pronounced: **Full Judgment**

BAKSHISH SINGH

... PETITIONER

Versus

STATE OF PUNJAB AND OTHERS

... RESPONDENTS

**CORAM:- HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present:- None for the petitioner.

Mr. Vipin Pal Yadav, Additional A.G. Punjab.

Mr. Satya Pal Jain, Addl. Solicitor General of India (through V.C.)
Mr. Ashish Rawal, Sr. Panel counsel (arguing counsel)
for respondent No.5-UOI.

Mr. D.K. Prajapati, Advocate for
Mr. R.S. Madan, Advocate for respondent No.6-NHAI.

Mr. Navdeep Chhabra, Advocate (through V.C.)
for respondents No.7 and 8.

SANJIV BERRY, J.

1. The petitioner proclaiming himself to be a public spirited person has preferred the instant petition under Article 226 of the Constitution of India in the nature of Public Interest Litigation (PIL) for issuance of writ of mandamus directing respondent No.1 to 6 to stop and ban on the construction activities being undertaken in the flood catchment area near the "Dinga Pull" situated at



Village Randhirpur Sultanpur Lodhi, District Kapurthala, besides seeking other prayers.

2. In nutshell, the claim raised in the petition is that the area in question was part of low lying area which was flood catchment area and during heavy rains or floods, the overflow water used to flow through this area. It is alleged that some illegal construction and filling up work is being under taken in the area.

2.1 As per revenue records the said area was demarcated as “*Gair Mumkin Mandi Maveshi*” used for temporary cattle market but later on as per the revenue record since 1972-73 this area was reduced to 32 kanal 13 marla and the remaining 12 kanal 11 marlas was shown as “*Chahi*” land.

2.2 Since there had been alleged illegal construction as such the instant petition has been filed seeking writ of mandamus.

3. Upon notice of motion being issued, reply was filed by the respondent contesting the claim.

4. During course of proceedings a detailed report was submitted by the Sub-Divisional Magistrate Sultanpur Lodhi dated 22.04.2025 along with Annexures and photographs vide CM No. 107-CWP-PIL 2025 which has been taken on record.

5. We have heard learned counsel for the parties and perused the record.

5.1 Petitioner claimed that there was low lying flood catchment area kept for overflowing of water from river ‘Kali Bein’ in rainy days or flood season which has been illegally encroached upon by certain elements by raising construction thereon.



5.2 In this regard, the Sub-Divisional Magistrate Sultanpur Lodhi vide his affidavit dated 22.04.2025, stated that the allegations levelled by the petitioner regarding illegally blocking of the flood catchment area is false and misleading and no such unauthorized construction has been permitted at the spot.

5.3 The allegations regarding execution of sale deeds were also denied and it was submitted that whatever transactions that have taken place are duly recorded in the revenue record as per law and prescribed guidelines.

5.4 The Sub-Divisional Magistrate Sultanpur Lodhi has also referred to the report dated 21.03.2024 (Annexure R-4/2/T) of Naib Tehsildar Sultanpur Lodhi intimating that after visiting the spot it was found that the construction was being carried out on the property owned by multiple individuals and the same was carried out away from the drainage system.

5.5 Similarly, Sub-Divisional Officer, Water Drainage, Sub Division No.3, Kapurthala who submits report dated 26.04.2024 (Annexure R-4/3/T) intimating that the construction is being carried out at a distance of more than 150 meters from the water body and that the natural flow of water was not being effected by such construction.

5.6 The report also referred to (Annexure R4/4/T) submitted by Sub Divisional Engineer, Construction Sub Division, P.W.D. (B&R) intimating that the construction was not being carried out in front of the two culverts designed for the natural flow of water, but rather on side.

5.7 It is further pointed out that in terms of the directions given by this Court on 05.02.2025 a further inquiry was conducted by Sub Divisional Officer, Water Drainage who intimated that the alleged site mentioned in the petition is situated about 190 meters away from the “West Bein” and that there is no



obstruction in the flow of water at any point due to the said constructions. Reference is also made to the report of Geographic Information System (GIS), which prepared the contour drawing and flow direction of the site through GIS software and submitted its report (Annexure R-4/7/T).

6. As per report the allegations regarding ‘Gair Mumkin Mandi Maveshi’ are also incorrect and misleading. Reference was made to the reports prepared by the Revenue Officers annexed there to as (Annexure R/4/11/T, Annexure R4/12/T, Annexure R4/13/T, Annexure R4/14/T, Annexure R4/13/T, Annexure R4/14/T, Annexure R4/15/T, Annexure R4/16/T. It was pointed out that as per the Jamabandi for the year 1965-66. Sohanlal and others were recorded as owners of this land, although in cultivation column of the land measuring 45K 4 M was mentioned as “*Makbuza Mandi Mall Maveshi*” which is also reflected in the jamabandi for the year 1967-68. As per Revenue record for the year 1972-73, the area designated as “*Maveshi Mandi*” was lawfully reduced to 32 Kanals 13 Marlas, while the remaining portion was reclassified as “Chahi” land and recorded in possession of one Tehal Singh. This change in land classification was done in accordance with law.

7. As per report of Halqa Patwari in the jambandi for the year 1982-83 the ownership column mentions Sohanlal and others, while the cultivation column contains an entry of “*Makbuza Malkan*” and records Tehal Singh as a share holder. Thus, the claim of the petitioner that the land was reserved for cattle market is totally incorrect and unsubstantiated. The land in question sold by recorded owners is duly reflected in the revenue record, and no illegality has been committed therein. It was also mentioned that the claim raised in the petition are misconceived, incorrect and unsubstantiated.



8. After perusing the detailed report, submitted by Sub-Divisional Magistrate Sultanpur Lodhi, corroborated by the spot inspection report and also the Revenue record, we are of the view that the claim raised by the petitioner is unsubstantiated and stands rebutted by the revenue record as it clearly shows that there is no obstruction to the natural flow of flood water due to the said construction which are away from drainage culverts constructed by the Drainage Department, to be specific more than 190 meters away and not causing any obstruction in the natural flow of water. This detailed report based on the respective reports submitted by the Revenue Authorities and other departments clearly establishes that no public/government land has been encroached in any manner.

8.1 Even otherwise, a lot many disputed question of fact have been raised in the petition which cannot be gone into within the parameters of the judicial review under Article 226 of the Constitution of India.

9. Therefore, in these circumstances and in view of the detailed report dated 22.04.2025 submitted by Sub-Divisional Magistrate Sultanpur Lodhi, we are not inclined to further continue with the present petition, accordingly the same is hereby dismissed, requiring no interference.

10. Miscellaneous applications if any, also stands disposed of.

(SANJIV BERRY)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

Dated: 27.05.2026

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No