

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

**CWP No. 25843 of 2025
Date of Decision: 27.03.2026**

Bharat Bhushan Alias Bharat Malhotra

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

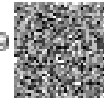
Present: Mr. Vishal Aggarwal, Advocate
for the petitioner

Mr. Aman Dhir, DAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking direction to respondent to carry out demarcation proceedings. He is further seeking assistance for possession of un-encroached portion of the property and to safeguard his life and liberty. He is also seeking direction to respondents to initiate disciplinary proceedings against Tehsildar, Pathankot.

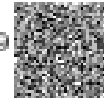
2. This is third round of litigation. The petitioner purchased land in village Malikpur, Tehsil and District Pathankot vide sale deed dated 27.08.2010. He filed application for demarcation before the revenue authorities. It was found that land was being used as Right of Way of highway maintained by NHAI. He approached this Court by way of CWP-



26309-2013 seeking compensation for use and occupation of land by NHAI which was disposed of vide order dated 02.12.2013 with the direction to respondents therein to decide his representation. Tehsildar Pathankot filed report of demarcation pursuant to which NHAI vide order dated 28.03.2014 submitted that it is not using petitioner's land and is not liable to compensate him.

3. The petitioner had preferred CWP-18480-2015 against shopkeepers of the vicinity alleging that they are causing hindrance in the construction of boundary wall around his land. The aforesaid petition was disposed of vide order dated 02.09.2015 with the direction to SSP, Pathankot to decide his representation. SSP (Investigation), Pathankot vide its report to SSP, Pathankot submitted that grievance relates to land dispute between private parties and the same is within the domain of revenue department.

4. The petitioner vide letter dated 18.10.2022 requested the authorities to conduct proper demarcation in view of encroachment by departments and to allow him to construct boundary wall. Pursuant to applications dated 12.09.2024 and 07.10.2024 as well as in compliance of order of this Court in CWP-18480-2015, the District Magistrate vide letter dated 21.05.2025 appointed Tehsildar, Pathankot as the Duty Magistrate to carry out the demarcation of petitioner's plot. The Tehsildar vide report dated 09.07.2025 submitted that identification marks could not be placed and listed encroachment over the said land. The petitioner preferred a spate of representations stating that the officials on the spot including the Tehsildar did not assist in the demarcation as well as did not list the details of the encroachment.



5. Learned counsel for the petitioner submits that on the direction of this Court, a report dated 09.07.2025 was prepared by authorities. They have conceded that there is encroachment over the subjected land. The petitioner in the absence of demarcation and identification of encroachers cannot approach Civil Court.

6. Notice of motion.

7. Mr. Aman Dhir, DAG, Punjab, who on advance notice is present in Court, accepts notice.

8. With the consent of both sides, the petition is taken up for final disposal.

9. *Per contra*, learned State counsel submits that matter relates to demarcation of land and there is dispute between the petitioner and encroachers, if any. It is a populated area and revenue authorities, at the most, can look into the matter. In the alternative, the petitioner may approach Civil Court.

10. As per status report filed by DSP, Pathankot, matter relates to demarcation of land purchased by petitioner and the same falls within jurisdiction of Revenue Authorities. Dispute is between petitioner and private individuals.

11. Heard the arguments and perused the record.

12. From the perusal of record, it is evident that petitioner is claiming that he in 2010 purchased subjected land. He wants that this Court should get the land demarcated. The demarcation can be made by revenue authorities. The petitioner has approached revenue authorities and they as per their report have submitted that there is encroachment. The petitioner

claims that revenue authorities have confirmed encroachment but encroachers have not been identified. This Court while exercising writ jurisdiction cannot determine rights of the petitioner vis a vis private individuals. It would be appropriate for him to approach revenue authorities or Civil Court.

13. In the wake of above discussion, the petition stands disposed of with liberty to petitioner to approach revenue authorities or Civil Court.

14. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

27.03.2026
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No