

In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.W.P.No. 7581 of 2006  
Decided on Nov 30,2006.

Smt.Parmeshwari Devi and others                      --Petitioners

vs.

State of Haryana and others                      --Respondents.

Coram:                      Hon'ble Mr.Justice Jasbir Singh  
                                    Hon'ble Mr.Justice Pritam Pal

Present:                      Mr. Gaurav Mohunta,Advocate, for the petitioners  
  
                                    Mr.B.S.Rana, Addl.A.G.Haryana.  
  
                                    Mr.Sukhdeep Parmar,Advocate for respondent No.1-C.  
  
                                    Mr. R.M.Singh,Advocate, for respondent Nos. 2 to 6.

Jasbir Singh J:(Oral)

This writ petition has been filed, with a prayer to quash order Annexure P-16, dated March 09,2006. By that order, in two appeals, filed by respondent Nos. 2 to 6, orders passed against them, were set aside and the matter was remitted to the Collector, to decide it afresh, after getting demarcation of the disputed area, made from a senior revenue officer.

It is apparent from the record that the petitioners are owners of plot No.242, respondents referred to above, are owners of plot No.243. It is an admitted position that in between the two plots, referred to above, there exists a passage bearing khasra No. 726. It is contention of

counsel for the petitioners that respondent Nos. 2 to 6 have encroached upon the said passage, whereas, it is a case of total denial by the respondents. Earlier also, demarcations were made by the revenue officers, to see as to who has encroached upon the said passage/ street. As a matter of fact, as per opinion of the Commission, those demarcations were made in the absence of the respondents. To settle the entire controversy, it was ordered that let demarcation be made in presence of both the parties and matter be decided afresh thereafter. We feel that order passed is very innocuous. Both khasra numbers are shown in the revenue record. Exact location of the passage can be established by making demarcation at the spot. In view of this, it is not necessary to interfere in this writ petition and the same is disposed of with a direction to the Collector, to get the demarcation done within two weeks from the date, the parties put in appearance before him. Demarcation be got done under the supervision of Tehsildar of the area concerned.

Parties are directed to appear before the Collector on  
December 11,2006.

(Jasbir Singh)  
Judge

Nov 30,2006,  
RR

(Pritam Pal)  
Judge