

Date of Decision: 23.1.2014 Vs. State of Haryana and Others

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Court : Punjab and Haryana

Decided On : Jan-23-2014

Appellant : Date of Decision: 23.1.2014

Respondent : State of Haryana and Others

Judgement :

CWP No.1200 of 2014 1 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH Date of decision: 23.1.2014 CWP No.1200 of 2014 Chuhar Singh .Petitioner Versus State of Haryana and othersRespondents CORAM: HON'BLE Mr.JUSTICE HEMANT GUPTA HONBLE Mr.JUSTICE FATEH DEEP SINGH Present: Mr.Anuj Balyan, Advocate, for the petitioner.

HEMANT GUPTA, J.(Oral) Challenge in the present writ petition is to an order passed by the Commissioner, Ambala Division, Ambala on 31.03.2010 (Annexure P-5) whereby mistake of not incorporating KhaSr.No.493 (0-2) in Naksha Musavi was ordered to be corrected.

The petitioner claims to be in possession of KhaSr.No.523.

The grievance of the petitioner is that respondents No.3 to 6 encroached upon passage forming part of KhaSr.No.503 measuring 1 kanal 17 marlas and thus interfered with in the right of ingress and egress of the petitioner and other persons to their houses.

For redressal of the grievance, the petitioner earlier filed a civil suit for injunction.

However, in the civil suit for injunction, the respondents pointed out that they are owners in possession of KhaSr.No.492 (0-1) and 493 (0-2) and that KhaSr.No.493 (0-2) was ordered to be allocated between KhaSr.No.494 and 504 in the Naksha Musavi by the orders of the Additional Director, Consolidation in view of the mistake during the consolidation whereby the Gair Mumkin Khada Ghaad was not shown in the Musavi.

Kumar Vimal 2014.01.30 11:25 I attest to the accuracy and integrity of this document Chandigarh CWP No.1200 of 2014 2 Learned counsel for the petitioner has vehemently argued that though there is a mistake of not incorporating KhaSr.No.493 (0-2) in the Musavi but the same could not have been allocated between KhaSr.No.494 and 504.

Such order of allocation has been passed without any field inspection.

We have heard learned counsel for the petitioner and find no merit in the present writ petition.

It is not disputed that there is a mistake of not allocating KhaSr.No.493 (0-2) in the Musavi.

The request of the applicant before the Commissioner, Ambala Division, Ambala, was to incorporate KhaSr.No.493 (0-2) in the Naksha Musavi.

As per the Jamabandi and the field inspection report, the authority has found that this entry is left due to

inadvertent mistake and thus it was ordered to be incorporated in the Naksha Musavi.

Such land has been allocated between KhaSr.No.494 and 504 i.e.adjacent to KhaSr.No.492 (1-0) under the order of the Commissioner.

It is close to the land of the applicant.

Such fair and reasonable order does not call for interference in the writ jurisdiction of this Court.

Learned counsel for the petitioner states that with such allocation of KhaSr.No.494 and 504, he is not left with any passage to his baras (houses).However, if that be the situation, it should be open to the petitioner to avail such remedy as is available to the petitioner but we do not find any error in the order allocating land to the respondents by correcting a mistake.

Dismissed.

(HEMANT GUPTA) JUDGE JANUARY23 2014 (FATEH DEEP SINGH) D.

Gulati/Vimal JUDGE Kumar Vimal 2014.01.30 11:25 I attest to the accuracy and integrity of this document
Chandigarh

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