

171 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14723-2025 (O/M)
Date of decision : 21.05.2025

Savita Gautam Petitioner

Versus

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Ms. Amrita Garg, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, AAG Haryana.

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HARSH BUNGER, J. (ORAL)

1. Petitioner (Savita Gautam) has filed the instant civil writ petition under Article 226 of Constitution of India, inter alia, seeking a writ in the nature of mandamus for restraining respondent authorities from raising construction and/or obstructing the main road Gali No. 1, leading to AC Nagar Basti, Faridabad, lying between Plots No. 2 and 3, Neelam Bata Road, AC Nagar, Faridabad.

2. Briefly, petitioner is stated to be resident of AC Nagar Basti, located at Neelam Bata Road, Faridabad. The aforesaid basti is stated to be existing on the land belonging to Rehabilitation Department of Central Government for the last 40-50 years and more than 600 families are stated to be residing there.

2.1 Petitioner claims that all the residents of AC Nagar Basti have been using the road of Gali No. 1, lying between plots No. 2 and 3, measuring around 15 feet x 180 feet, for their ingress and egress from the

area. It is claimed that the said road is lifeline for the residents of said basti and the same is being used by all vehicles, including emergency services vehicles, like ambulance, police and fire brigade for the entire area. It is alleged that in the month of March, 2025, petitioner received an information that some local goons from the area, including Amit Bhardwaj son of Satish Kumar, are trying to encroach over the said area and raise construction over the same by using their political clout and the said persons had also threatened the residents with dire consequences. Petitioner states that despite submission of various representations, no action has been taken as officials have colluded with the above referred persons and the construction is being made without affording any opportunity of hearing to petitioner. In support of her submissions, petitioner has placed reliance upon photographs (Annexure P-7) and it is prayed that in case the unauthorized construction on the main road, as stated above, is not stopped, then there is a imminent threat to petitioner and other residents of AC Nagar Basti of being trapped with no alternative road for ingress and egress.

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition for the relief(s), as noticed above.

4. Heard.

5. A perusal of writ petition would show that petitioner is claiming easementary right over the so-called main road/Gali No. 1, falling between plots No. 2 and 3, Neelam Bata Road, AC Nagar Basti, Faridabad, for which appropriate remedy would be to approach the civil court for seeking right of easement/prescription.

5.1 Even otherwise, disputed questions of fact are involved in this writ petition, which would require leading of evidence, which is not permissible before this Court.

6. Keeping in view the above, instant civil writ petition is dismissed, however, leaving it open to petitioner to avail her civil remedies before court of competent jurisdiction, in accordance with law.

7. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

21.05.2025
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No