



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

289

CR-6448-2023 (O&amp;M)

Date of Decision: 30.07.2025

Swarup Singh (since deceased) through LRs

...Petitioner

V/s

Central Government of India and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Ashwani Bakshi, Advocate, for the petitioner.

Mr. Anuj Garg, DAG, Haryana.

None for respondent No.2.

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**VIKRAM AGGARWAL, J (ORAL)**

The instant revision petition, preferred under Article 227 of the Constitution of India, assails order dated 14.07.2023 (Annexure P-10), passed by the Court of Additional Civil Judge (Sr. Divn.), Meham, vide which the objections filed by the petitioner against the report of the local commissioner were dismissed.

2. A suit (Annexure P-1) for demarcation and permanent injunction was filed by the present petitioner. He claims to be the owner in possession of a residential house situated within Abadi Deh and Lal Dora of Village Bahini Maharajpur (hereinafter referred to as the "suit property"). It was claimed that the house over the land was constructed 17 years prior to filing of the suit and the petitioner along with his family members had been residing in the same. With a view to widen the road leading from Rohtak to Hisar, respondents had acquired land measuring 63 *kanals* 1 *marla* (fully described in the plaint). It was averred that in the garb of the said acquisition, a portion of the house of the petitioner was being sought to be included whereas actually, it had not been acquired.



3. During the pendency of the suit, an application seeking demarcation of the suit property was moved, which was allowed vide order dated 19.07.2019 (Annexure P-5). Pursuant to the same, demarcation is stated to have been conducted on 06.08.2019 and report dated 06.08.2019 (Annexure P-6) was furnished.

4. The petitioner preferred objections (Annexure P-8) against the said report, in which the primary ground raised was that no demarcation had in fact been carried out as per rules. The said objections were, however, dismissed by the Court concerned vide the impugned order dated 14.07.2023 (Annexure P-10), holding that the petitioner would be at liberty to raise all questions at the time of final arguments.

5. I have heard learned counsel for the petitioner.

6. Learned counsel for the petitioner submits that no demarcation was conducted and, therefore, the objections should have been allowed and fresh demarcation should have been ordered to be carried out.

7. No one has put in appearance on behalf of respondent No.2 to oppose the case of the petitioner. Respondent No.3 was already given up before the trial Court.

8. I have considered the submissions made by learned counsel for the petitioner.

9. Concededly, vide order dated 19.07.2019, a direction was issued to the Naib Tehsildar, Meham to demarcate the suit property:-

“At this stage, Learned counsel for the plaintiff and for defendant no.2 opted to lead arguments on the stay application. While discussing the facts, it came up that the dispute between the parties is only about apprehension that in the course of process of widening of the road in question, the house of the plaintiff may get demolished. In order to settle the dispute amicably, it is found necessary to get the house of the plaintiff demarcated with respect to the road in question and its proposed extent of



widening. So, for this purpose, the Naib Tehsildar, Meham, is hereby appointed as Local Commissioner and he is directed to visit the place of dispute and demarcate the suit property je. house/plot of the plaintiff with respect to the proposed area to be included in the widening of the road in question. The local commissioner is directed to submit his report before the court on 9.8.2019. The fee of local commission is assessed as Rs. 5,000/-, out of which Rs. 2500/- each shall be payable by plaintiff and defendant no. 2. Interim order dated 12.7.2019 stands.”

10. Pursuant to the same, a report was submitted:-

“Khasra No. 103/2 exists on the North side alongside National Highway in village Bhaini Maharajpur. Signs have already been put on the spot of the proposed area/land for widening the National Highway. On the spot Swarup Singh son of Shiv Dhan showed the signs put on his house.

The Site plan received with the LC order and the revenue record was perused. On perusal it was found that as per revenue record Shiv Dhan's house is constructed in Khasra No. 103/2, the ownership of which is recorded in the revenue record as Abadi Deh.

Total 308 sq. yd. land is proposed for acquisition on the spot out of which Swarup Singh son of Shiv Dhan's house is constructed in 110 sq.yd., 23ft. East, 23ft. West, 42ft.10 inch South and 42ft.10 inch North and the remaining land is vacant. The report is presented.”

11. In the considered opinion of this Court, the trial Court erred in rejecting the objections. Concededly, no demarcation was carried out in compliance of the order dated 19.07.2019 and reliance was placed upon the signs put on the land by the National Highways Authority of India, as also on the revenue record. This was in clear violation of the orders passed by the trial Court.

12. That being so, the present petition is allowed. The impugned order dated 14.07.2023 (Annexure P-10) passed by the Court of Additional Civil Judge (Sr. Divn.), Meham is set aside. The objections to the report are allowed and it is ordered that fresh demarcation of the property be carried out in accordance with law on a date to be fixed by the trial Court.



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

**(VIKRAM AGGARWAL)**  
**JUDGE**

**July 30, 2025**

vcgarg	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No