



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

Sr. No.114

**CR-3409-2025
Date of Decision: 06.08.2025**

ANIL KUMAR (NOW DECEASED) THROUGH HIS LR.

...Petitioner

Versus

JASWINDER SINGH AND ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present:- Mr. Sandeep Arora, Advocate
for the petitioner.

PARMOD GOYAL, J. (Oral)

1. The present revision petition has been preferred by plaintiff-petitioner being aggrieved by impugned judgment dated 04.04.2025 passed by the Court of learned District Judge, Hoshiarpur and order dated 22.02.2022 passed by the Court of learned Civil Judge, Junior Division, Dasuya vide which an application under Order 39 Rule 1 & 2 CPC preferred by petitioner/plaintiff was dismissed. Both the Courts i.e. Court of first instance, as well as by learned First Appellate Court have found plaintiff/petitioner not entitled to interim injunction as prayed for.

2. Plaintiff/petitioner is seeking to restrain respondents/defendants from interfering in petitioner's right to use area in front of respondents house for ingress and outgress of their property. Admittedly, this area, in front of house of petitioner as well as respondents, was acquired by Authorities for construction of National Highway, Jalandhar-Pathankot



Road. The area is katcha berm abutting to National Highway.

3. Perusal of pleadings, as well as case set up by petitioner goes to show that present is a case, where both the parties by present litigation are trying to justify and regularize their encroachment on public land.

4. Neither the petitioner nor the respondents have any exclusive right over the land, which stood acquired by Authorities to construct National Highway. It is basically an open area available to all. Neither the petitioner nor the respondents can claim any exclusive right over the same. However, the petitioner instead of making complaint to Authorities regarding any illegal encroachment, is wanting to regularize illegal encroachment of respondents by seeking right in said encroachment. This cannot be done by way of present appeal. Neither the petitioner nor the respondents have any right to encroach upon katcha berm, abutting National Highway and obstruct anybody from using said area by raising any illegal construction or in any other manner.

5. Any effort, either on the part of the petitioner or the respondents seeking to encroach or claim exclusive right over public land needs to be condemned.

6. Accordingly, no fault with the order passed by learned Courts below can be found. However, it is made clear that neither petitioner nor respondents have got any exclusive right over katcha path adjoining National Highway owned by Government and not owned by petitioner or respondents.

7. Copy of this order be sent to National Highway Authorities to look into the matter and ensure that no encroachment is made by any party over the katcha areas meant for expansion of National Highway/use by public.



8. Accordingly, the revision petition is hereby dismissed.

06.08.2025

Anu

(PARMOD GOYAL)
JUDGE

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