



122 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-7431-C-2025 in/and
RSA-2181-2025 (O&M)
Date of Decision: July 01, 2025**

State of Haryana and others ... Appellants

Versus

Khem Chand and others ... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Aman Bahri, Addl. A.G., Haryana
for the appellants.

DEEPAK GUPTA, J.(Oral)

CM-7430-C-2025 and CM-7431-C-2025

These two applications have been moved to condone the delay of 104 days in re-filing and delay of 14 days in filing the appeal.

Heard.

For the reasons as mentioned in the application, supported by affidavit of Mr. Umar Khan, Block Education Officer, Ferozepur Jhirka Nuh, delay of 104 days in re-filing and delay of 14 days in filing the appeal is hereby condoned.

The applications stand disposed of.

RSA-2181-2025 (O&M)

This is appeal filed by defendant Nos.3 to 5 of the suit against reversal. Plaintiff - Khem Chand filed suit seeking decree of permanent injunction in respect of land comprised in Rect. No.9 Killa No.7/13(0-3) measuring 0 kanal 03 marla situated within the revenue estate of village Patan Udaipuri, Tehsil Ferozepur Jhirka, District Mewat. It is not in dispute that the plaintiff is the owner of the said land. It was alleged by the plaintiff that defendant Nos.1 and 2 had encroached upon the western portion of the land; whereas defendant Nos.3 to 5, i.e. appellants herein had

encoached upon the remaining portion of land. Plaintiff had relied upon the demarcation report dated 10.10.2017.

2. The trial Court dismissed the suit because demarcation was not conducted in the presence of the parties and besides demarcation report dated 10.10.2017 was not proved as per law. The Appellate Court got conducted the fresh demarcation, which was conducted in the presence of both the parties by own officials of the appellants-defendants and the demarcation so conducted by the orders of the Appellate Court, confirmed the encroachment on the part of the appellants.

3. Learned counsel for the appellants contends that plaintiffs-respondents may be compensated regarding 03 marla of land because the building of the school is lying constructed on the land in dispute.

4. This Court does not find merit in the aforesaid contention. Once it has been found that defendants-State of Haryana, which should be the protector for others, has encroached upon the private land of the plaintiffs-respondents, which has been confirmed in the demarcation conducted by the officials of the appellants, it does not lie in the mouth of the appellants to plead that the plaintiffs can be compensated by giving some other land.

5. Finding no merit in the present appeal, the same is hereby dismissed.

July 01, 2025
sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No