

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

**CACP No. 1 of 2015
Date of Decision : 21.1.2016**

M/s Kamal Transport CorporationAppellant

vs.

Shri Sandeep Rishi and othersRespondents

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present : Mr. Kanwaljit Singh, Senior Advocate with
Mr. Sandeep Jain, Advocate
for the appellant

Mr. G.S. Attariwala, Advocate
for respondents No.1 and 3

Dr. Deipa Singh, Addl. AG, Punjab
for respondent No.2-State

T.P.S. MANN, J. (Oral)

At the outset, learned counsel for the appellant submits that as the encroachment upon the land in question already stands removed and possession delivered to the appellant on 4.1.2016, he may be allowed to withdraw the present appeal with liberty to the appellant to seek waiving of non-construction charges.

Learned counsel for respondents No.1 and 3 submits that there had never been any encroachment upon the land in question.

Be that as it may, the appeal is hereby dismissed as withdrawn with liberty to the appellant to seek waiving of non-construction charges.

It may, however, be clarified that by allowing the prayer in the alternative made by the appellant, this Court has not observed that the encroachment has been removed now as claimed by the appellant or there was no encroachment ever, as claimed by respondents No.1 and 3.

**(T.P.S. MANN)
JUDGE**

21.1.2016
Ashwani

**(RAMENDRA JAIN)
JUDGE**