
(2020) 12 P&H CK 0168

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 19718 Of 2020

Satender Singh Grewal

APPELLANT

Vs

Chief Administrator, Hsvp & Others

RESPONDENT

Date of Decision : 09-12-2020

Acts Referred:

Citation : (2020) 12 P&H CK 0168

Hon'ble Judges : Augustine George Masih, J;Ashok Kumar Verma, J

Bench : Division Bench

Advocate : V.P. Sangwan

Final Decision : Dismissed

Judgement

Augustine George Masih, J

Petitioner has approached this Court putting forth a prayer for issuance of a writ of MANDAMUS directing the respondents to remove all

encroachments upon the open space, road reservations and road berms etc. illegally encroached by erecting temporary fences, hedges and masonry

structures etc. in Sector 23, HUDA (now Haryana Shahri Vikas Pradhikran), Bhiwani.

As per the admitted facts, encroachments, which have been made by the petitioner, stand removed by the concerned authority. It is, under these

circumstances, petitioner has approached this Court praying that the removal of the encroachments qua the petitioner is discriminatory and violative of

Article 14 of the Constitution of India.

This contention of the learned counsel for the petitioner cannot be accepted especially in the light of the fact that the encroachments made by the

petitioner stand removed and encroaching upon a public property cannot confer

any right upon him to continue with the same on the plea that similar encroachments have been carried out by others in the same Sector 23, Bhiwani. Violation of statutory right or any legal right would obviously confer a right upon the petitioner to assert that his right has been effected in violation of Article 14 of the Constitution of India but for an illegal claim to continue upon an encroachment which has been removed by the concerned authority, does not confer any right upon the petitioner to continue with such an encroachment as other persons are holding on to the public property in the form of an encroachment.

The writ petition, thus, filed by the petitioner is totally misconceived and that too pressing into service Article 14 of the Constitution of India, which would not be available to him. The writ petition, therefore, stands dismissed.