

Dhani Ram vs. UoI & Anr.

RSA No. 128 of 2010

30.09.2022 Present: Mr. K. D. Sood, Sr. Advocate with Mr. Het Ram Thakur, Advocate, for the appellant.

Mr. Balram Sharma, ASGI, for the respondents.

On 16.09.2022, the Court passed the following order:-

Taking into consideration the peculiar facts and circumstances of the case, more particularly, the fact that it has specifically come on record that the appellant-plaintiff has no other path for the ingress and outgress of his land and house, I am of the considered view that the matter can be conveniently resolved through mediation. Therefore, let the parties or their authorized representative(s) remain present before this Court on the next date of hearing.

In compliance to the order, the appellant Dhani Ram, Sohan Singh, Dy. Commandant and ASI Raj Kumar are present in person.

I have heard representatives of both the parties and I am of the considered view that in order to better understand the ground situation, it is necessary to appoint a Local Commissioner. Accordingly, Mr. Navneet K. Bhalla, Advocate is appointed as Commissioner, who shall inspect the spot in question and report (i) as to whether the appellant has any other path for ingress and outgress of his land other than the one which belongs to the State of Himachal Pradesh. (ii) Whether the alternate path in any part of the property can be considered for allotment in favour of the petitioner without compromising the security perception as also threat.

Mr. Bhalla states that he intends to visit the spot on 03.10.2022 at about 11:00 am. In such circumstances, there is no need to issue further notice to both the parties, who shall otherwise remain present on the spot on 03.10.2022.

The Commissioner is requested to submit his report as expeditiously as possible preferably by 14.10.2022.

List on 14.10.2022. The personal presence of the officers present are dispensed with.

(Tarlok Singh Chauhan)
Judge

September 30, 2022

(sanjeev)