

Article upon the road
of the municipality
commences,”



**ASSIGN
BUSTER**

Article 111 applies to a suit for possession of any public street or road and not to any other property. The Article 111 is not applicable when the suit is not for possession of land forming part of public street or road.

The expression ‘ road’ in Art. 111 is not limited to the part actually used by the passers-by but includes such adjacent land as might be necessary for public thorough fare. In *Municipal Board v. Mahadeoji*, [(1966) 1 SCJ 745], it has been held that side lands are ordinarily included in the road because they are necessary for the proper maintenance of the road. The period of limitation under Art.

111 for a suit for ejectment of a trespasser who encroaches upon the road of the Municipality commences,” from the time when the encroachment is made. In *Zila Parishad v. Ram Khelawan*, (AIR 1976 All. 209), it has been held that when the District Board within 30 years of the date of vesting of the public road issued notice upon the encroacher under Section 95 of the Uttar Pradesh District Board Act for removal of encroachment,; the title] of the Board over that public road has not been extinguished under Section 27 of the Limitation Act.