



CWP No.24667 of 2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP No.24667 of 2024

Date of decision: September 3rd, 2026

Suresh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL
HON'BLE MS. JUSTICE DIVYA SHARMA**

Present: Mr. Himanshu Setia, Advocate
for Mr. Amit Arora, Advocate
for the petitioner.

Mr. Pradeep Prakash Chahar, Additional Advocate General,
Haryana.

Mr. Gaurav Gupta, Advocate
for respondents No.5 to 7.

VIKAS BAHL, J. (ORAL)

1. In the headnote of the petition, the following prayers have been
made:

“Civil writ petition under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of Certiorari for quashing of order dated 02.05.2024 (Annexure P-5) passed by Ld. District Collector, Bhiwani, whereby, the Ld. District Collector, Bhiwani set aside the order dated 19.12.2023 (Annexure P-4) passed by Ld. Assistant Collector, Bhiwani and remand back the matter to the Ld. SDM for reconsideration after fresh demarcation, being wrong, illegal and unjust in the eyes of law;

AND

Issuance of a writ in the nature of mandamus directing the respondent no.3 & 4 to discharge its legal duty and obligation



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and initiate proceedings to remove illegal and unauthorized encroachment/ construction on public property/ public road and to take appropriate action against private respondents, in the interest of justice.

AND/OR

Any other order or writ direction which this Hon'ble court may deem fit in the facts and circumstances of the case may kindly be issued.”

2. Learned counsel for the respondents has pointed out that the petitioner had challenged the same order by filing CWP-22949-2024 in which the following order was passed:

“1. The instant writ petition has been filed under Articles 226/227 of the Constitution of India inter alia seeking a writ in the nature of Certiorari to quash the order dated 02.05.2024 (Annexure P-5) passed by learned District Collector, Bhiwani, whereby an order dated 19.12.2023 (Annexure P-4) passed by learned Assistant Collector Ist Grade, Bhiwani has been set aside and matter was remanded.

2. At the outset, learned counsel for the petitioner prays for withdrawal of the instant petition with liberty to avail his remedies against the order dated 02.05.2024 (Annexure P-5) passed by the Appellate Authority in accordance with the provisions of Section 13-B of Haryana Village Common Lands (Regulation) Act, 1961.

3. Keeping in view the aforesaid submission made by learned counsel for the petitioners, the present writ petition is dismissed as withdrawn with the liberty aforesaid.

4. All pending application(s), if any, shall also stand closed.

September 10, 2024”

3. Learned counsel for the respondents has further pointed out



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paragraph 16 of the writ petition, in which the averment regarding the same has been made, is reproduced hereinbelow:

*“16. That earlier the petitioner filed CWP-22949 of 2024 before this Hon'ble Court and the same was dismissed as withdrawn vide order dated 10.09.2024. Copy of the order dated 10.09.2024 is attached as **Annexure P-6.**”*

3. Learned counsel for the petitioner has not be able to show as to how the present second writ petition would be maintainable and has not highlighted the fact as to whether he has availed his remedy against the order dated 02.05.2024 passed by the Appellate Authority in accordance with the provisions of Section 13-B of the Haryana Village Common Lands (Regulation) Act, 1961 or not. In fact, the order Annexure P-6 was passed on 10.09.2024 and a perusal of the index would show that the present writ petition was drafted on 13.09.2024 i.e. after a period of three days after the passing of the said order. It is not disputed before this Court that the order dated 10.09.2024 has neither been recalled nor any clarification has been sought. The present petition, thus, is absolutely misconceived and is accordingly dismissed.

(VIKAS BAHL)
JUDGE

September 3rd, 2026
Puneet

(DIVYA SHARMA)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No