

CWP No. 23417 of 2012

1

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP No. 23417 of 2012.  
Date of Decision : 19.09.2015

Anil Kumar

...Petitioner

Versus

Permanent Lok Adalat and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) *Whether Reporters of the local papers may be allowed to see the judgment?*
- 2) *To be referred to the Reporters or not?*
- 3) *Whether the judgment should be reported in the Digest?*

Present: Ms. Divya Sharma, Advocate for the petitioner.

Mr. Vikas Cucria, Advocate for respondent No. 2.

Mr. Indresh Goel, Standing counsel for U.T., Chandigarh.

\*\*\*

**Paramjeet Singh, J.(Oral)**

The instant writ petition has been filed under Articles 226/227 of the Constitution of India for quashing the order dated 19.11.2009 (Annexure P-1) passed by the Permanent Lok Adalat. The relevant extract of the order passed by the Permanent Lok Adalat is as under :-

*“Petitioner to support of his claim has placed on record Photostat copy of the Identity Card issued by the*

*Election Commission of India of himself and his wife Smt. Mitlesh. This card was issued on 14.09.1994. According to this Identity Card he is shown to be resident of 651, Sector-25, Kumhar Colony, Chandigarh. As per identity card of Smt. Mitlesh wife of the petitioner, she is shown to be residing in Jhuggi No. 314, Sector-25, Chandigarh. Photostat copy of the ration card issued by the Chandigarh Administration record him to be a resident of 331, Sector-25, Chandigarh. As per voters card, he is shown to be residing in House No. 312/315. This document is dated 18.02.1995. According to another communication which the petitioner's addressed to Tehsildar (colonies), he is stated to be residing in Jhuggi No. 2018, Sector-25, Chandigarh. Thus on the basis of the aforesaid documents (referred above), it is difficult to accept the claim of the petitioner that he had been residing in Jhuggi No. 314 at the time when the survey was conducted. Infact, the identity card issued to him and his wife i.e. showing him to be residing in Jhuggi No. 651 whereas his wife in Jhuggi No. 314 respectively is contradictory. No attempt has been made by the petitioner to explain as to how various particulars i.e. 312, 314, 651, 331 or 2018 the numbers of the Jhuggies in which he used to reside vary so differently. May be the petitioner had been living at different locations during these years. In any case; he has failed to prove beyond an element of doubt that he had been residing at one place i.e. Jhuggi No. 314, Kumhar Colony, Sector-25, Chandigarh. We thus find no merit in this petition and dismiss the same.”*

Since in the present writ petition disputed facts with regard

to identity of the petitioner are involved, the same cannot be determined in proceedings in exercise of extra ordinary writ jurisdiction. No interference can be made in the impugned award. The petitioner will be at liberty to avail other remedies available to him in accordance with law.

It is made clear that the observations made in the impugned award shall have no bearings on merits in any other proceedings that may be resorted to by the petitioner with regard to determination of his rights with regard to relief claimed in the present petition. The petitioner will be at liberty to bring on record in those proceedings any cogent evidence to prove his claim. The petitioner will also be at liberty to take all pleas that he had been pursuing this matter in wrong forum, under bona fide relief with regard to limitation.

Disposed of.

**September 19, 2015.**  
*kanchan*

**(PARAMJEET SINGH)**  
**JUDGE**