

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.18935 of 2014

Date of Decision:-26.05.2015

Mitt Pal Singh & Ors.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Mitt Pal Singh, Petitioner no.1 in person.

Mr. Yatinder Sharma, Addl. AG Punjab.

Mr. V.S. Shukla, Advocate for private respondent.

JASWANT SINGH, J.(ORAL)

The petitioners, who are family members in the present writ petition are seeking a direction to the official respondents for cancellation of a sale deed illegally executed by Boota Singh-respondent no.9 in favour of Harpal Singh (not impleaded) and others in respect of land measuring 3 Bighas and 10 Biswas (without any further description of the land).

Upon notice to the official respondent nos.2 to 8, reply on behalf of the SDM Bathinda has been filed, whereby preliminary objection has been taken that the present petition is not maintainable for the reason that the cancellation of sale deeds have been sought, which can only be done after taking evidence and deciding the question of title on merits and, therefore, only Civil Court has the jurisdiction to decide the controversy and

not this Court while exercising jurisdiction under Article 226/227.

Without going into the merits of the controversy as well as the detailed arguments raised by petitioner no.1, who appeared in person, this Court is of the considered opinion that the relief which has been sought by the petitioners can only be granted by filing a regular civil suit for declaration before a competent court of jurisdiction, which shall take the evidence and then decide the question raised in the present petition on merits. This Court while exercising powers under Article 226/227 of the Constitution cannot go into questions of fact and these questions are to be necessarily decided by the Civil Court only.

In view of the observations made herein above, the present petition is hereby dismissed on the preliminary objection taken by the respondents no.2 to 8, without going into the merits of the petition at all.

(JASWANT SINGH)
JUDGE

May 26, 2015
Vinay