

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 18368 of 2015

Date of Decision: September 01, 2015

Joginder Pal and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. D.V. Sharma, Sr. Advocate with
Ms. Shivani Sharma, Advocate,
for the petitioners.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent no.1 for prohibiting its officials from interfering in the peaceful use of private road connecting Village Keerian in J&K from Lahri Mahanta in Punjab on the road leading from Malikpur T Point to Kiri and other surrounding villages shown in red colour in the site plan (Annexure P/2).

I have heard learned senior counsel for the petitioners and perused the record.

The petitioners claim their right on the basis of agreement

dated 31.07.2012 (Annexure P/1) wherein the value of lease amount has been fixed at Rs.1,25,000/-. In this agreement, no period is mentioned. The agreement is dated 31.07.2012 and already three years have lapsed, still petitioners are claiming their right on the basis of that agreement. As per Section 17 of the Registration Act, if the lease document is more than Rs.100/- and lease is for more than one year, then it is compulsorily registerable. Furthermore, there is no other document on record showing title and ownership of the petitioner. Otherwise also, it is contractual obligation.

Learned senior counsel has not argued the case and submits that whatever mentioned in the petition is his arguments. This is not expected from a senior counsel. Counsel is required to assist the Court and answer the question specifically put to him. There is not an iota of evidence in the form of revenue record to indicate that petitioners have any right of the property. The present petition appears to be a proxy litigation.

In view of above, instant writ petition is dismissed. However, petitioners will be at liberty to approach the Civil Court and other remedy available to them in accordance with law.

September 01, 2015**[Paramjeet Singh]
Judge**