

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 6641 of 2011

Date of decision : 12.01.2015

Devinder Singh & ors.

....Petitioners

V/s

State of Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Jitender Pal Singh, Advocate for the petitioners.

Mr. V. Ramswaroop, Addl. A.G. Pb.

RAJAN GUPTA J.

Petitioners have sought a writ in the nature of mandamus to direct respondents no. 2 to 4 to restore possession of the land in question to him.

Learned counsel for the petitioners submits that possession of the land was illegally handed-over to respondents no. 5 to 9 by the receiver (respondent no. 4 herein). Thus, necessary direction needs to be issued to the official respondents.

Learned State counsel submits that pursuant to direction given by this court on 19.04.2011, inquiry was conducted by Deputy Commissioner, Ferozepur. He found that respondent no. 5 namely Wasakha Singh was in possession of the land in question. According to him, land was infact in ownership of father of respondent no. 5 and after his death, respondent no. 5 came into possession. As petitioner tried to take illegal possession of the land, FIR was registered and petitioner was later convicted by JMIC,

Ferozepur. According to him, petitioner has no concern with the land in question.

I have heard learned counsel for the parties.

It is apparent that disputed questions of fact are involved in this case. At a stage proceedings under section 145 were initiated but later dropped. It appears that certain civil litigation is also pending between the parties. The issue raised before this court cannot be decided in writ jurisdiction as it may necessarily need evidence to be led. Under the circumstances, writ petition is without any merit and is hereby dismissed.

Petitioners shall, however, be at liberty to seek alternative remedy, if any.

January 12, 2015
Ajay

(RAJAN GUPTA)
JUDGE