

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

CWP No.21160 of 2014

Date of decision:2.2.2015

Saraswati Vihar

....Petitioner

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Ranjan Lakhanpal, Advocate for the petitioner.

HEMANT GUPTA, J.(Oral)

It appears that one Tarsem Lal Mittal had filed a writ petition bearing CWP No.312 of 2009 titled Tarsem Lal Mittal v. Punjab Mandi Board and others, decided on 22.01.2013 to claim possession of the plot purchased in auction by him. The present petitioner was impleaded in the said writ petition as respondent No.4 wherein the Punjab Mandi Board has taken a stand that 30 feet wide approach road through Saraswati Vihar owned by the present petitioner will be provided at the time of delivery of possession to the petitioner.

It appears that consequent to the said stand of the Punjab Mandi Board, a Resolution has now been passed by the Improvement Trust to provide 30 feet wide approach road through Saraswati Vihar. The petitioner has challenged the said resolution in the present writ petition, though, the question of providing passage has already been considered by a Division Bench of this Court in an earlier writ petition.

The petitioner is already before the Civil Court claiming a decree for permanent injunction against the Improvement Trust as well as Punjab Mandi Board, therefore, it is open to the petitioner to amend the said suit and to claim appropriate relief in the said suit itself rather than filing another writ petition.

Consequently, the present writ petition is dismissed with liberty to the petitioner to avail such other remedy as is available to the petitioner in accordance with law.

(HEMANT GUPTA)
JUDGE

FEBRUARY 2, 2015
‘D. Gulati’

(HARI PAL VERMA)
JUDGE