

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.20491 of 2015 (O&M)

Date of decision:14.10.2015

Satyawati & another

... Petitioners

v/s

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. M.K. Garg, Advocate for the petitioners.

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S.J. VAZIFDAR, ACTING CHIEF JUSTICE.

The petitioner's main grievance is that the owner of booth/plot No.76 has encroached upon a plot alleging him to construct the booth No.75. There are several plots/booths, which have been allotted to several owners from plot/booth Nos.70 to about 85. The owner of plot/booth No.74 has filed a civil suit *inter alia* against the HUDA and the petitioners alleging that the petitioners have encroached upon his plot. Interim orders have been passed in that suit. The revision petition filed by the petitioners has been dismissed. The petitioners now claim that the owner of plot/booth No.76 has encroached upon their plot/booth.

2. A representation in this regard has been made by the petitioners to HUDA. We would normally have directed the HUDA to consider the representation. However, in view of the pending suit, it is possible that any orders passed would have taken into consideration the rights in respect of the other plots/booths. It is difficult in a petition under Article 226 of the Constitution of India to undergo this process of demarcation and identification of the plot. The petitioners must be relegated

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to an alternate remedy of filing a civil suit. It would be open to HUDA to consider the petitioners' representation in accordance with law. It is clarified that HUDA would have taken into consideration the effect of the pending litigation to the orders passed.

3. The petition is, accordingly, disposed of.

**(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE**

**(TEJINDER SINGH DHINDSA)
JUDGE**

14.10.2015
harjeet