

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.21667 of 2014
Date of Decision: January 13, 2015

Patti Maliyan Mauja PalwalPetitioner
versus
The State of Haryana and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE RAJ MOHAN SINGH.

Present:Mr.Amar Nath Saini, Advocate,
for the petitioner.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioner-Patti Maliyan Mauja Palwal is stated to be comprising the proprietors of abadi deh of Patti Maliyan Mauja Palwal, i.e., Palwal Township. It is claimed that the land fully described in para No.3 of the writ petition, measuring 53 bigha 6 biswas was owned by the petitioner-Patti Maliyan Mauja Palwan, but it has been illegally mutated in the name of abadi deh, Municipal Committee, Palwal. The petitioner thus seeks a mandamus to carry out necessary correction in the mutation and re-transfer the aforesaid land in favour of the petitioner. The claim is founded upon a Full Bench decision of this Court in Jai Singh and others versus State of Haryana and others, 2003 (2) RCR (Civil) 578. The other relief sought in the writ petition is that the above-mentioned land has been illegally encroached upon by private respondent Nos.4 to 12, who are alleged to have raised unauthorized construction on

48 kanal land comprising Khasra No.340.

Having heard learned counsel for the petitioner and after going through the averments made in the writ petition, it appears that though the petitioner has got an effective alternative remedy to seek redressal of its grievance, however keeping in view the fact that a representation dated 06.06.2013 (Annexure P-7) is also said to have been made and is under consideration, we dispose of this writ petition with a direction to the Collector-cum-Deputy Commissioner, Faridabad, to ascertain the correct facts and decide the above-mentioned representation of the petitioner in accordance with law and if need be, after giving an opportunity of hearing to the petitioner. In the event the petitioner's claim is not accepted fully or partly, the petitioner shall be at liberty to invoke the alternative remedy as may be available in law.

The Collector-cum-Deputy Commissioner, Faridabad, shall do the needful within a period of four months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

January 13, 2015
Mohinder

[RAJ MOHAN SINGH]
JUDGE