

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

Civil Writ Petition No. 21954 of 2014 (O&M)

Date of Decision: 24.07.2015

Punjabi Dharamshala Samiti (Regd.) Dashehra Ground, Meham and another

..... Petitioners

Vs.

The State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Jagdish Manchanda, Advocate for the petitioners.

Mr. Rajesh K. Sheoran, Additional Advcoate General, Haryana
for respondent Nos.1 to 3.

Mr. Deepak Balyan, Advocate for respondent No.4/M.C., Meham.

Mr. Gulab Nabi Malik, Advocate for applicant/respondent No.5.

Respondent No.7 already ex parte,
vide order dated 20.02.2015.

Mr. Gaurav Sharma, Advocate for respondent No.8.

JASWANT SINGH, J. (Oral)

CM No.9117 of 2015

The aforementioned application has been filed on behalf of Haryana Wakf Board (respondent No.5) for placing on record the written statement.

Civil Misc. Application is allowed. Reply is taken on record. Copy of the same has been furnished to learned opposite Counsel.

Main Case

The two petitioners, who are (i) Punjabi Dharamshala Samiti (Regd.) and (ii) Punjabi Rama Club (Regd.) through their common President Sh. Dewan Chand

Chuchra have filed the present writ petition seeking the quashing of a memo dated

21.08.2014 (**Annexure P-10**), passed by respondent No.2 / Deputy Commissioner, Rohtak and a memo dated 10.09.2014 (**Annexure P-11**), passed by respondent No.4/Municipal Committee, Meham (Rohtak), whereby the petitioners have been asked to stop illegal construction regarding property No.B-7/133-4/8 area 132 x 137 (2743 Sq. Yards) situated in Village and Tehsil Meham, District Rohtak under the ownership of the Haryana Wakf Board (respondent No.5).

Upon notice, respondent No.5/ Haryana Wakf Board has filed its reply wherein it is stated that the land in question is a Wakf property and a civil suit has already been filed by the Wakf Board against the present petitioners, wherein an interim order dated 14.10.2011 under Order 39 Rule 1 and 2, CPC stands passed restraining the defendants (present petitioners herein) from raising the construction over the land in question. It is further stated that the present writ petition is not maintainable in the light of the pending suit wherein they are at liberty to pray for vacation of the stay.

It is also apparent from the perusal of the impugned letters/memos herein that the petitioners have been asked by the Authorities to stop their illegal construction being in violation of the orders passed in the pending suit.

At the time of hearing, learned Counsel for the petitioners, in the light of the averments made in the written statement, prays for permission to withdraw the present writ petition to enable him to pursue his remedy before the Civil Court in accordance with law.

Dismissed as withdrawn with the aforesaid liberty.

July 24, 2015

Gagan

(JASWANT SINGH)

JUDGE