In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 21737 of 2015
Date of Decision: October 09, 2015

Farhan Alam Siddiqui

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Vikas Bali, Advocate,
for the petitioner.

***Paramjeet Singh, J.* (Oral)**

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondents no.1 to 6 not to forcibly dispossess the petitioner from his shops No. M-09, M-08, M-36, M-37 and further allow him to open his shops in order to earn his livelihood during the pendency of the suit. Further prayer is for directing respondent no.11 to register a case against respondent nos. 7 to 10 who have willfully tried to dispossess the petitioner without any order or warrant from any competent Court.

I have heard learned counsel for the petitioner and perused the record.

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Learned counsel for the petitioner relies upon a judgment of this Court passed in ***CWP No. 1655 of 2015*** titled as "***Ajay Patel and others vs. Punjab State Bus Stand Management Company (PUNBUS) and others***, decided on ***30.01.2015.***

The spirit of above cited judgment is to the effect that the party should approach the civil court and avail the remedies. In the present case, petitioner has already filed a civil suit and also moved an application under Order 39 Rules 1 and 2 CPC, whereby the respondents-defendants have been restrained from dispossessing forcibly, so, he can seek enforcement of the order passed in civil suit through concerned court. This Court is not required to pass any order in such cases because specific remedy is available and the petitioner is already availing the same.

In view of above, no indulgence is called for in the present case. Dismissed. However, petitioner will be at liberty to approach the civil court for the relief. If he still feel aggrieved, then he can approach this Court.

October 09, 2015 **[Paramjeet Singh]**
vkd **Judge**

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