

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 24469 of 2015

Date of Decision: 20.11.2015

Ram Lal and Others

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain.

Present: Mr. Saurabh Arora, Advocate
for the petitioner(s).

Rakesh Kumar Jain, J.

The petitioners have prayed for mandamus seeking direction to the official respondents not to demarcate the land in dispute at the behest of respondents No.6 & 7.

In short, it is submitted that the total land in question is 1174 kanal 12 marla in which the petitioners are joint owners of land measuring 25 kanal 19 marla. An application for partition was filed before the Assistant Collector 1st Grade. It was decided vide order dated 17.7.2008. Aggrieved against which the petitioners filed an appeal before the Collector, Mukerian who had set aside the order and remanded the case for fresh decision. It is submitted that while the matter is pending before the Assistant Collector 1st Grade, respondents No.6 & 7, who have purchased the land from one of the co-sharers, are

forcibly trying to dispossess the petitioners from their possession.

Therefore, the present petition has been filed.

Learned counsel for the petitioners has fairly submitted that though the petitioners have already filed a suit for permanent injunction to restrain respondents No.6 & 7 from interfering in their peaceful possession or dispossessing them forcibly, an application for partition has been filed, which was dismissed and in the miscellaneous appeal filed against the said order, petitioners have not been granted stay by the Appellate Court, who is seized of the matter.

After hearing learned counsel for the petitioner, I am of the considered opinion that the only remedy available to the petitioners is to pursue the appeal pending before the Appellate Court against temporary injunction. This petition, in the present form, is not maintainable. Hence, the present petition is disposed of with the aforesaid observations.

(Rakesh Kumar Jain)
Judge

November 20, 2015

"DK"