

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

CWP No.26022 of 2015(O&M)

Date of decision:14.12.2015

Gurjit Singh

....Petitioner

VERSUS

Greater Mohali Area Development Authority and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. Saurabh Arora, Advocate for the petitioner.

HEMANT GUPTA, J.(Oral)

The petitioner has invoked the writ jurisdiction of this Court for directing respondent No.1 not to issue Letter of Intent in favour of the private respondents in respect of the share of the petitioner in the land in question.

The petitioner claims title on account of inheritance in the estate of Amar Singh on the basis of registered Will dated 14.12.2000 whereas respondents No.5 to 7 relied upon another Will executed by Amar Singh dated 10.02.2012.

Admittedly, the petitioner filed a civil suit claiming title over the property in question. The said civil suit ended in a compromise (Ex.CX) as per the judgment and decree dated 12.02.2012. It is the said decree which was sought to be executed by respondent No.5 from the Civil Court.

The grievance of the petitioner is that a Letter of Intent is likely to be issued by respondent No.1 in favour of the private respondents without taking note of this decree passed in his favour by the Civil Court on 12.02.2014.

Once the rights of the parties stands crystallized by a Civil Court decree, the consequential steps for recognizing such rights have to be taken by the Civil Courts alone. If one of the respondents has taken execution which according to the petitioner is not terms of the decree passed or affecting his rights, the petitioner has effective alternative remedies before the Civil Court itself.

We do not find any direction can be issued to respondent No.1 when the dispute between the petitioner and respondents No.5 to 7 is primarily civil in nature. Thus, it is open to the petitioner to avail the remedy from the Civil Courts in accordance with law.

The present writ petition is disposed of accordingly.

(HEMANT GUPTA)
JUDGE

DECEMBER 14, 2015
‘D. Gulati’

(RAJ RAHUL GARG)
JUDGE