

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

131

Civil Writ Petition No.8353 of 2015

Date of Decision: May 12, 2015

Gurudwara Shahidan Dharamshala Trust (Regd.)

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Anil Kumar Garg, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for issuing direction to respondents 1 to 6 to protect the liberty of the petitioner-Trust by protecting the building property and money, which is being misappropriated by respondent No.7. Direction has also been prayed for issuance to respondents 1 to 6 to take action against respondent No.7 on the representations dated 29.11.2010 and 11.11.2014 (Annexures P-5 and P-8 respectively).

On going through the pleadings, it is apparent that the petitioner has alternative remedies under the statutes available to him and the petitioner has rushed to this Court by way of the present writ petition without availing of the said remedies. The basic contention of the counsel for the petitioner appears to be that petitioner wants the legal notice dated 11.11.2014 (Annexure P-8) served upon respondents 1 to 4 with copies to respondents 5 and 6 to be decided. It appears that there is a *inter se* dispute between some of the members of petitioner and respondent No.7, which cannot be gone into in a writ petition and in the guise of the legal notice

dated 11.11.2014 (Annexure P-8) an effort and attempt is being made by the petitioner to circumvent the process of law by approaching this Court, which cannot be permitted as the discretionary jurisdiction under Article 226 of the Constitution of India can be exercised, where there is indeed a violation of any fundamental/constitutional right apart from some legal right. As has been pointed out above the legal right has yet to be established for which the remedies are available to the petitioner in accordance with law, which it may avail of as there are disputed questions of facts involved in the present writ petition.

The writ petition, therefore, stands disposed of with above observation.

May 12, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE