

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

CWP No.9901 of 2015

Date of Decision:-18.05.2015

Surmukh Singh

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Vikram Jeet Singh, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

The petitioner claims himself to the owner in possession of land measuring 1 Kanal 12 Marla comprising in Killa No.8/2/2 as per *Jamabandi* for the year 2014-15 situated at village Sikanderpur, Tehsil Samrala, District Ludhiana since last 60 years.

The grievance raised is that the BDPO, Machhiwara Sahib has directed the Sarpanch of the village to remove the illegal encroachment over *Gair Mumkin* passage of *Shamlat Land* situated in Khasra No.53 for providing a passage to a contractor granted a mining lease by the Punjab Government for having access to the mining areas.

It is alleged that the said passage is illegally being carved out through the land of the present petitioner which is comprised in a separate Khasra number.

It is apparent that serious disputed questions of facts are

involved which cannot be resolved in the exercise of writ jurisdiction of this Court. Accordingly, the proper course for the petitioner is to seek his relief before the Civil Courts.

At the time of hearing after making some submissions at length, learned Counsel for the petitioner prays for permission to withdraw the present writ petition to seek his remedy before the Civil Courts in accordance with law.

Dismissed as withdrawn with aforesaid liberty.

**(JASWANT SINGH)
JUDGE**

May 18, 2015
Vinay