

Sr.No.241

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP-18894-2012(O&M)

Decided on: 11.02.2016

Madho Ram and othersPetitioners

vs.

State of Haryana and othersRespondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr.Ravi Gakhar, Advocate for the petitioners.
Mr. Sandeep S. Mann, Sr. DAG, Haryana.

**

Mahesh Grover, J

This petition has been pending since 2012. It is a classic case where a frivolous petition has been pending resulting in sheer wastage of time of the Court with absolutely no serious attempt made by the counsel to prosecute the matter. The petition was dismissed in default on 1/11/2012 and was restored on 08.01.2013. After restoration, the following zimni orders were passed:-

*"1. Present: Mr. Sunil Goel, Advocate for
Mr.Jagdish Manchanda, Advocate
for the petitioner.
Mr. Sunil Nehra, Sr. DAG, Haryana.*

*Learned proxy counsel seeks time on the
ground that learned arguing counsel for the
petitioners had to go hospital to attend his
close relative.
On his request,adjourned to 20.05.2013.*

01.02.2013

*RAMESHWAR SINGH MALIK
JUDGE*

*2.Present : Mr. Jagdish Manchanda, Advocate
for the petitioners.
Ms. Kirti Singh, DAG, Haryana.*

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On the request of learned counsel for the petitioners, adjourned to 22.07.2013.

20.05.2013

RAMESHWAR SINGH MALIK
JUDGE

3. *Present:* Mr. Ravi Kakkar, Advocate for
Mr. Jagdish Manchanda, Advocate for the
petitioners.

Mr. Nitin Kaushal, AAG, Haryana.

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On request, adjourned to 20.12.2013.

06.09.2013

RAKESH KUMAR JAIN
JUDGE

4. *Present:* Mr. Ravi Gakhar, Advocate
for Mr. Jagdish Manchanda, Advocate
for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

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*Arguing counsel for the petitioners is not
available and adjournment is prayed for on
his behalf.*

Adjourned to 12.09.2014.

02.04.2014

RAJAN GUPTA
JUDGE

5. *Present:* None for the petitioners.

Mr. Saurabh Mohunta, DAG,
Haryana.

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*In the interest of justice, adjourned to
20.11.2014.*

12.09.2014

RAJAN GUPTA
JUDGE

6. *Present:* None for the petitioners.

Mr. Sandeep S. Mann, Sr. DAG,
Haryana.

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Nobody appeared on behalf of the petitioners on 12.09.2014. None has appeared even today despite second call.

In the interest of justice, adjourned to 20.01.2015.

20.11.2014

PARAMJEET SINGH
JUDGE

7. Present

Mr. Jagdish Manchanda, Advocate for the petitioners.

Mr. Sandeep S. Mann, Sr. DAG, Haryana.

On request, adjourned to 12.03.2015.

20.01.2015

PARAMJEET SINGH
JUDGE

8. Present

Mr. Ravi Gakhar, Advocate for

Mr. Jagdish Manchanda, Advocate for the petitioners.

On request of learned proxy counsel for the petitioners, hearing is adjourned to 13.10.2015.

03.07.2015

JASWANT SINGH
JUDGE

9. Present

None.

On written request on behalf of the counsel for the petitioners, adjourned to 11.02.2016.

13.10.2015

RAKESH KUMAR JAIN
JUDGE"

Today matter was called out twice with repeated requests for pass

The petitioner prays for issuance of a writ in the nature of mandamus to restrain the respondents from interfering in his peaceful possession. The efficacious remedy of filing a civil suit was available to the petitioner considering the fact that prayer on this ground would be contingent upon the petitioner establishing his right on the property and interference by the respondents, all assertions dependant on counter assertions to be established by evidence. In the exercise of writ jurisdiction where such dispute of facts which is likely to logically emerge from the pleadings of the parties such interference cannot be granted.

Dismissed.

11.02.2016

mamta

(MAHESH GROVER)

JUDGE