

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

**Civil Writ Petition No. 20256 of 2013
Date of Decision: 1.12.2016**

Gobindgarh Education and Social Welfare Trust, Mandi Gobindgarh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

Civil Writ Petition No. 20283 of 2013

Gobindgarh Education and Social Welfare Trust, Mandi Gobindgarh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Ms. Sherry Vashishta, Advocate
for the petitioner.

Mr. B.M. Vinayak, DAG, Punjab.

Ms. Amandeep Sibia, Advocate
for respondent No.2 in CWP No. 20256 of 2013.

Mr. R.S. Sharma, Advocate for
Mr. I.S. Sidhu, Advocate
for respondent No.2 in CWP No. 20283 of 2013.

RAMESHWAR SINGH MALIK J. (ORAL)

Learned counsel for respondent No. 2 in CWP No. 20256 of 2013
places reliance on three judgments of the Hon'ble Supreme Court in **Shri
Shyam Kishore Vs. Municipal Corporation of Delhi, 1992 AIR (SC) 2279;
Whirlpool Corporation Vs. Registrar of Trade Marks, Mumbai, 1999 AIR**

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(SC) 22; United Bank of India Vs. Satyawati Tondon and others, (2010) 8 SCC 110 and a judgment of this Court in **Punjab Alkalies & Chemicals Ltd. Vs. Municipal Council, Naya Nangal, District Ropar, 2013 (3) RCR (civil) 356**, to contend that once the petitioner is having an equally efficacious alternative remedy, which has not been availed by it before filing these petitions, petitioner deserves to be relegated to its alternative remedy, at the first instance.

In view of the abovesaid undisputed fact situation obtaining on record of the present case, both these writ petitions are disposed of, relegating the petitioner to its equally efficacious alternative remedy, before appropriate forum. However, it is made clear that since the petitioner was pursuing its remedy before this Court under a bonafide wrong impression, respondent-Municipal Council shall not raise the issue of limitation against the petitioner.

With the abovesaid observations made, both these writ petitions stand disposed of.

(RAMESHWAR SINGH MALIK)
JUDGE

1.12.2016
Ak Sharma

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No