

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.17082 of 2016
Date of decision: 23.08.2016

Shingara Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Vikas Singh, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the Rapat Roznamcha dated 21.05.2015 (Annexure P-8), whereby possession of Shamlat land of the Gram Panchayat, Sudan, was taken from the petitioner in compliance of the order dated 14.05.2015 passed by the competent authority, petitioner has approached this Court, by way of present writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of certiorari, for quashing the Rapat Roznamcha dated 21.05.2015 (Annexure P-8) entered by the Patwari Halqa.

Heard learned counsel for the petitioner.

A bare reading of the impugned Rapat Roznamcha dated 21.05.2015 (Annexure P-8) would show that Patwari has recorded only the proceedings, whereby possession was taken over from the petitioner in compliance of the

order dated 14.05.2015 passed by the competent authority. It is not even the pleaded or argued case on behalf of the petitioner that petitioner tried to show any stay order in his favour, which might have been granted by any Court of competent jurisdiction, to the Patwari at the time of taking over the possession on 21.05.2015. In the absence of any such order, the authorities were well within their jurisdiction to proceed against the petitioner taking over possession from him, in compliance of the order passed by the competent authority. Having said that, this Court feels no hesitation to conclude that the impugned Rapat Roznamcha is perfectly in order. No illegality or perversity has been found attached therewith, hence the same deserves to be upheld.

Learned counsel for the petitioner himself pointed out that SLP filed by the petitioner is pending before the Hon'ble Supreme Court, where the question of title over the land in question is yet to be decided. He also submits that status quo order granted by the Hon'ble Supreme Court is operating between the parties. However, it is also admitted by learned counsel for the petitioner that said order of status quo was passed by the Hon'ble Supreme Court on 06.11.2015 i.e. much after taking over possession from the petitioner vide impugned Rapat Roznamcha dated 21.05.2015 (Annexure P-8). It prima facie shows that petitioner did not instruct his counsel properly before the Hon'ble Supreme Court. Had the abovesaid material fact of taking over possession from the petitioner vide impugned Rapat Roznamcha dated 21.05.2015 (Annexure P-8) been brought to the notice of the Hon'ble Supreme Court, even the status quo order might not have been passed on 06.11.2015. It seems that petitioner is playing hide and seek with the Courts as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since the possession has been taken over from the petitioner strictly in accordance with law by way of abovesaid proceedings recorded in the impugned Rapat Roznamcha dated 21.05.2015 (Annexure P-8), the same deserves to be upheld. The writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present writ petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

23.08.2016
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No