

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

CWP no.1981 of2016 (O&M)

Date of Decision :01.02.2016

Didar Singh

....Petitioner(s)

Versus

Sub Divisional Magistrate, Barara, Tehsil Barara, District Ambala and another

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr.Pankaj Midha, Advocate for

Mr. G.S.Chahal, Advocate for the petitioner

MAHESH GROVER, J.

The petitioner prays for quashing of the order dated 19.11.2015 (Annexure P-10) vide which the Tehsildar Barara has rejected the extension of lease in favour of the petitioner.

Learned counsel for the petitioner states that some land was leased out to him which he was prevented from cultivating due to pendency of litigation qua this land in which restraint orders were passed by the Courts of competent jurisdiction. It is his case that on account of these proceedings which were initiated by some persons he was prevented from enjoying the fruits of the lease and the land, resulting in severe pecuniary damages. He thus contends that lease which expires in May, 2016 after being renewed in November, 2015 ought to have been extended / renewed in his favour which has been declined by virtue

of Annexure P-10 without assigning any reasons.

On due consideration of the matter, I am of the considered view that there would be no case for interference in the exercise of jurisdiction under Article 226 of the Constitution of India as the petitioner has failed to demonstrate an enforceable right in his favour to seek renewal of the lease. If the petitioner has been prevented from utilizing its land on account of some litigation he would have the remedy of seeking damages or restitution of the lease money but the prayer of the petitioner to mandate the respondents to renew the lease in his favour would not be maintainable and enforceable in the exercise of its jurisdiction under Article 226 of the Constitution of India. The instant petition is, therefore, dismissed, with liberty to the petitioner to take recourse to other remedies in law.

February 01, 2016
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(Mahesh Grover)
Judge