

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

**CWP No.229 of 2016 (O&M)
Date of Decision: 08.01.2016**

Surjit Singh & Ors.

... Petitioners

VS.

State of Punjab & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE P.B. BAJANTHRI**

Present: Mr. ML Saggar, Senior Advocate with
Mr. Gaurav Grover, Advocate for the petitioners

SURYA KANT, J. (Oral)

(1) The petitioners are aggrieved by the interlocutory order dated 05.11.2015 (P9) passed by the Divisional Deputy Director-cum-Collector, Ludhiana – respondent No.2 whereby they have been restrained from alienating the subject property and/or raising any construction over the same.

(2) The controversy pertains to the land situated within the revenue estate of village Jhammat, Tehsil and District Ludhiana.

(3) Since the petitioner's case is that the title dispute between them and the Gram Panchayat has already been finally settled and initiation of fresh proceedings is nothing but an abuse of process of law, we grant liberty to them to seek modification of the order dated 05.11.2015 from the Court of Collector as and when the occasion for alienation and/or to raise construction etc. arises. The petitioners may seek framing of the preliminary issue

regarding non-maintainability of the present proceedings also. Additionally, we direct the Collector to decide the proceedings expeditiously.

(4) Needless to say that all the pleas taken by the petitioners in the instant petition shall be available to them before the Collector who shall be obligated to consider and decide the same in accordance with law.

(5) Disposed of.

(Surya Kant)
Judge

08.01.2016
vishal shonkar

(P.B. Bajanthri)
Judge