

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

CR No.647 of 2015 (O&M)
Date of Decision: 14.9.2017

Mohammed Sajid ...Petitioner

Versus

Ram Parshad Jain ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Mohd. Yousaf, Advocate for the petitioner

Mr.Sarinder Khanna, Advocate for the respondent

RAJIV NARAIN RAINA, J. (Oral)

1. The story propounded in paragraph 6 of this petition regarding surety bond, according to Mr.Khanna appearing for the respondent, cannot be taken to be true since the surety bond submitted in the Court of the Deputy Commissioner, Ludhiana in Case No.13 dated 14.10.2011 in proceedings for offence under Sections 107/151 Cr.P.C. records the name “Sahzad s/o Salaudin” while the present petitioner is “Mohammaed Sajid”. The identity of the two names has not been stated in the petition to be of one and the same person. Therefore, the petitioner cannot be permitted to take any advantage of the surety bond as it does not prima facie relate to him. According to Mr.Khanna, this is an effort to mislead the Court and deflect it from the course of justice.

2. Without entering into this arena and giving any finding thereon in absence of evidence as to identity, this petition is liable to be dismissed on the short ground as not maintainable. This petition has been filed under Article 227 of the Constitution of India whereas there is a specific provision under the East Punjab Urban Rent Restriction Act, 1949 contained in Section 15(5) thereof which provides statutory remedy which has not been availed and the petitioner has approached this Court

directly under the constitutional provision. Mr. Khanna cites law on the point in Shubham Nalwa v. Inderpal Singh Bakshi (P&H), 2014(69) RCR (Civil) 419 wherein this Court held that interference should be declined once there is statutory remedy available under the Act. A revision petition under Article 227 of the Constitution would not lie.

3. In view of the above, this petition is dismissed.

14.9.2017
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No