

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.1416 of 2016

Date of Decision: March 15, 2017

Gurnam Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Amrik Singh, Advocate,
for the petitioners.

Ms.Lavanya Paul, AAG, Punjab,
for the State.

AMIT RAWAL, J. (Oral)

The relief claimed in the present writ petition is in the
following manner:-

“Civil Writ Petition under Articles 226/227 of the Constitution of India praying for the issuance of an appropriate writ, order or direction especially in the nature of mandamus directing the respondents to define the boundaries and to erect the survey marks of Khasra No.173 & khasra number 173/2/2/3/2 in the Revenue Estate of Village Sahota, Tehsil Anandpur Sahib, District Roopnagar and to inquire the matter regarding Khasra No.173/2/2/3/2 measuring 77 kanal, 10 marlas which has been orally told to be non-existent by the field officials of Village Sahota District Roopnagar and to direct the concerned Revenue Official to fix the boundaries and to repair the survey marks which has been destroyed by the vested interests and to demarcate the land purchased by the petitioners in accordance with law which is situated at village Sahota Tehsil Anandpur Sahib District Ropar.”

The petitioners have purchased the land for residential purpose vide sale deeds referred to in the writ petition. The principle of “buyer beware” is no longer *res integra*. In case, the petitioners have any grievance, they can always move an application for demarcation, much less file a civil suit for taking possession of the land of which they are owners. The disputed questions of law are involved in the present matter, which cannot be determined in petition under Article 226 of the Constitution of India. The sale deeds also reflect the share. The remedy is of demarcation as the co-sharer would have only right to sell the specific share and not with specific boundaries.

For the foregoing reasons, there is no merit in the writ petition.
The same stands dismissed.

March 15, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No