

216

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

CWP-19214-2015

Date of decision : 22.05.2017

M/s Prem Trading Company

... Petitioner(s)

Versus

Union of India and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. K.B. Raheja, Advocate
for the petitioner.

Mr. Nitin Kumar, Advocate
for respondent Nos.1 to 3.

Mr. Yatinder Sharma, Addl. A.G., Punjab.

AMIT RAWAL, J. (ORAL)

The petitioner is aggrieved of the order dated 22.05.2015 (Annexure P-10), whereby the representation of the petitioner in pursuance to the direction given by this Court in earlier round of litigation, has been decided.

The case of the petitioner, in the present writ petition, is that in pursuance to the auction notice, the petitioner being highest bidder deposited the amount and he was not allowed to cut 188 numbers of various categories of trees as there is a dispute with regard to its quantity, which has been disputed by the respondent(s) in the written statement. It is a categorical case of the petitioner, as per the impugned order, that the petitioner has been able to remove only 118.0 m³.

Keeping in view the aforementioned facts, I am of the view that the controversy, involved in the present writ petition, is a disputed question of fact and law, which can always adjudicate in the Civil Court, but not in a writ court.

In view of above, I deem it appropriate to dispose of the present writ petition by relegating the petitioner to the Civil Court to establish the alleged breach of terms and conditions of the auction notice, much less, the shortage by leading direct and cogent evidence.

In case, the petitioner approaches the trial Court within a period of two months from today, the period spent before this Court shall deem to be condoned.

Disposed of, accordingly.

22.05.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No