

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.W.P.No.27246 of 2013 (O&M)

Date of Decision: April 07, 2017

Tej Kaur

...Petitioner

Versus

The Deputy Commissioner, Roopnagar, Punjab & others

...Respondents

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

Present: Mr.Aditya Dassaur, Advocate,
for the petitioner.

Mr.Yatinder Sharma, Addl.A.G.Punjab,
for the State.

Mr.Vijay Lath, Advocate &
Mr.Vishal Sharma, Advocate,
for respondent Nos.4 to 6.

AMIT RAWAL, J. (Oral)

The challenge in the present writ petition is to the order of the Deputy Commissioner and other orders, which are being sought to be placed on record by way of amendment of the writ petition.

The grievance of the petitioner is that as per the demarcation report, the area of Khasra No.65/6 is 14 karams, but in the field book, it is 18 karams and this fact was found in her favour by the Sub Divisional Magistrate, but the Deputy Commissioner has upset the order.

It is a matter of record that the petitioner has also filed a suit for permanent injunction on the basis that she is in possession of the property.

I am of the view that the aforementioned contentions, being disputed questions of law, can be pondered upon in a pending suit by

seeking amendment of the suit by incorporating the relief of declaration and other reliefs which the petitioner may think in her favour, but not in the writ jurisdiction. In case, such an application is filed, the other party will not raise objection owing to the pendency of the suit to avoid multifarious of litigation, in essence the petitioner shall be at liberty to challenge the orders annexed in the amended writ petition and as well as the order of the Deputy Commissioner in accordance with law.

Liberty is also granted to the respondents to take all possible pleas in the written statement or by way of counter claim etc.

Writ petition stands disposed of in the aforementioned terms.

April 07, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No