

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

CWP-8494 of 2012

Date of decision : 13.01.2017

Gopal Krishan and others

..... Petitioners

VERSUS

The Municipal Council, Narnaul and others Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.Akshay Bhan, Senior Advocate with
Mr. Santosh Sharma, Advocate for the petitioners.
Mr.Mahabir Singh Sindhu, Advocate for
respondent No.1.
Mr. Ravi Pratap Singh, AAG, Haryana.

AMIT RAWAL, J.

The challenge in the present petition is to the orders, Annexures P-13 and 14, whereby the land in khasra No.6614 has been mutated in the name of Municipal Council. Instead of availing the remedy under the provisions of Section 45 of the Punjab Land Revenue Act, the present petition has been filed.

Mr.Sindhu, learned counsel appearing for respondent No.1 submits that already public premises proceedings have been initiated and is pending adjudication for the last 16 years.

The State be called upon to submit the status report.

Mr.Ravi Partap Singh, Advocate appearing on behalf of the State submits that the status report is awaited.

I have heard the learned counsel for the parties and am of the view that the disputed questions of fact are involved which require the evidence and hence, the writ petition under Articles 226/227 of the Constitution of India is not maintainable. Instead of awaiting the status report, the present writ petition is disposed of with a liberty to the petitioners to challenge the impugned orders by filing a civil suit. A period of limitation may be condoned as provided under Section 14 of the Limitation Act.

Needless to say that the public premises proceedings shall continue with liberty to the petitioner to raise all possible pleas available with them, if so advised.

(AMIT RAWAL)
JUDGE

January 13, 2017
Ramandeep Singh/KD

Whether speaking/reasoned:
Whether Reportable:

Yes / No
Yes / No