

CWP No.23586 of 2017

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Manoj Kumar
2017.10.24 09:51
I attest to the accuracy and
integrity of this document

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

CWP No.23586 of 2017

Date of Order: 12.10.2017

Jagatjit Singh Aujla

....Petitioner

Versus

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. H.S. Bains, Advocate for the petitioner.

RAKESH KUMAR JAIN, J (ORAL)

This petition is filed for seeking a writ of Mandamus, directing the respondents not to encroach upon the land of the petitioner and to carry out fresh demarcation as per latest technique.

The petitioner before approaching this Court has already filed a suit for permanent injunction against the respondents in which it is alleged that they are in actual physical possession of the land in question and the respondents have no right, title or interest in their land for the purpose of widening the road.

Learned counsel for the petitioner has submitted that the petitioner had also filed an application for temporary injunction. He has referred to some letter dated 16.3.2017 written by the XEN, Punjab Mandi Board, Shaheed Bhagat Singh Nagar to the Deputy Commissioner, SBS Nagar that the Board will not

construct the road till the civil suit is decided, however, it is submitted that the respondents have started construction of the road.

I have heard learned counsel for the petitioner and after examining the record, am of the opinion that the remedy lies with the petitioner only in filing an application before the Civil Court where the matter is already pending and not by pursuing his remedy in this Court for the same cause of action. The petitioner may also, if so advised, file an application for demarcation before the Civil Court. In case, such application is filed, the Civil Court shall decide the same in accordance with law.

Disposed of with the aforesaid observations.

October 12, 2017
manoj

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No