

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

CWP No. 23937 of 2017

Date of Decision: October 24, 2017.

Randev Tyagi

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Ravindra Jain, Advocate, for the petitioner.

Rajan Gupta, J (Oral)

Petitioner has prayed for a writ in the nature of mandamus to direct the respondents to settle the dispute regarding 12 bighas 10 biswas of land situated in village Munda Majra, District Yamuna Nagar, same being in unauthorised possession of the Irrigation Department. It has been urged before the court that it is evident from the revenue record annexed with the petition that the canal department is using the land unauthorisedly. Direction needs to be issued in exercise of the writ jurisdiction for vacation thereof, alternatively to pay compensation. I find the plea of the petitioner untenable. From the averments made in the petition, it is evident that same can be proved if evidence is led and considered by the court of competent jurisdiction. Disputed questions of fact may arise which cannot be adjudicated upon in exercise of writ jurisdiction. It appears that petitioner earlier approached the Permanent Lok Adalat under Section 22-C of the Legal Services Authorities Act, 1987, but withdrew the application. Instant petition is without any merit and same is hereby dismissed. Needless to observe that petitioner is at liberty to avail alternate remedy, if any, available to him.

**(Rajan Gupta)
Judge**

October 24, 2017.

BB

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No