

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.26646 of 2017

Date of decision:24.11.2017

Jaipal @ Jaspal Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Tara Chand Dhanwal, Advocate,
for the petitioner.

Rakesh Kumar Jain, J. (Oral)

This petition is filed for seeking a direction to respondent no.5 to restore possession of the residential house of the petitioner.

Counsel for the petitioner submits that the petitioner had earlier filed a suit for permanent injunction in respect of the said residential house against the Gram Panchayat. In the said suit, the Gram Panchayat suffered a statement that they will not dispossess the petitioner otherwise in due course of law. It is averred that now the petitioner has been dispossessed by the Gram Panchayat, therefore, the present petition has been filed.

After hearing learned counsel for the petitioner, examining the available record and keeping in view the facts and circumstances, I am of the considered opinion that in case the petitioner has been dispossessed by the Gram Panchayat despite the fact that they had taken a specific stand that they would not dispossess him otherwise in due course of law and the said suit was withdrawn by the petitioner on that premise, then he has a remedy to file an application under Section 144 of the Code of Civil Procedure, 1908 before the Civil Court for the purpose of restoration of possession.

Consequently, the present petition is hereby disposed of with a direction that in case any such application is filed by the petitioner, the Civil Court concerned shall entertain that application and decide it accordingly.

November 24, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned : Yes/No

Whether reportable : Yes/No