

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

**LPA No.1194 of 2017 (O&M)
Decided on : 20.11.2017**

Mohan Singh

... Appellant

Versus

Vineet Kumar Sachdeva and others

... Respondents

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr. R.D.Bawa, Advocate,
for the appellant.

MAHESH GROVER, J. (Oral)

After arguing at length, learned counsel for the appellant states that he may be permitted to withdraw the instant appeal.

We have noticed from the impugned order that there are various demarcation reports at variance with each other and these when perused in the backdrop of the controversy raised by the appellant in the writ proceedings, would persuade us to observe that such highly disputed questions of facts cannot be gone into by the writ Court in exercise of its jurisdiction under Article 226 of the Constitution of India and appropriate remedy in such like matters is a civil suit.

Since the appellant is withdrawing the appeal and a prayer to approach the Civil Court has also been made before us, we would grant the liberty to the appellant to approach the Civil Court in this regard. In the circumstances, we also deem it appropriate to waive the

costs imposed by the learned Single Judge. Evidently, we have granted liberty to the appellant and the findings recorded by the learned Single Judge on the merits of the controversy would not come in the way of the Civil Court to arrive at its own conclusion on the basis of the evidence that may be adduced by the parties.

Dismissed as withdrawn with liberty aforesaid granted.

(MAHESH GROVER)
JUDGE

(RAJ SHEKHAR ATTRI)
JUDGE

November 20, 2017

Paritosh Kumar

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No