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

**CM No.15274-CWP-2018 in/and
CWP No.25696 of 2018
Date of decision: 9.10.2018**

Sarabjit Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Ashish Aggarwal, Advocate for the petitioners

G.S.SANDHAWALIA, J. (Oral)

CM No.15274-CWP-2018

Prayer made in the present Civil Misc. Application for placing on record copy of the civil suit for permanent injunction as Annexure P/7 is allowed.

Annexure P/7 is taken on record.

Office to tag the same at appropriate place in the file.

The Civil Misc. Application stands disposed of accordingly.

CWP No.25696 of 2018.

The petitioners seek setting aside of demarcation report bearing Rapat No.344 dated 13.7.2018 (Annexure P/3) prepared by respondent no.5 with regard to land falling under Khasra Nos.252, 253, 254, 256, Khewat No.16, Khatuni No.45 situated in village Attari, Tehsil and District Amritsar. Similarly Annexure P/4 whereby an order dated 25.9.2018 had been passed by the Block Development and Panchayat Officer, Attari that construction had been made upon the Phirni and illegal possession would be removed by taking action, is also a subject matter of challenge.

Resultantly, a writ in the nature of Mandamus for directing the official respondents not to demolish any part of construction falling in the above Khasra numbers including Khasra Nos.252,253 Khewat No.12/7, 16/11, Khatauni No.39, 45 situated in village Attari is prayed for and to decide the representation dated 31.8.2018 (Annexure P/6) addressed to the Deputy Commissioner, Amritsar.

Counsel for the petitioners has vehemently argued that the demarcation has been done at the back of the petitioners.

It is not disputed that the petitioner no.5 along with one Manjinder Singh had already availed his remedy of filing a civil suit (Annexure P/7) for permanent injunction restraining the defendants from interfering with the peaceful possession of the plaintiff. During the course of the arguments, it transpires that injunction had also been granted as such to the plaintiffs. One of the petitioners thus has already availed his remedy before the Civil Court and a parallel litigation cannot be permitted in the form of the extraordinary writ jurisdiction where disputed questions of fact are involved.

Counsel has further contended that the revenue authorities have not been impleaded in the said suit.

Needless to say that it is for the plaintiff to file a suit by impleading appropriate parties. The writ Court would not go into the disputed questions of fact where alternative and efficacious remedy is available. One of the petitioner has already opted for the same and neither the copy of stay order nor the copy of written statement filed by the defendants has been placed on record.

In such circumstances, the recourse to the present proceedings

is misconceived. The argument raised that the demarcation report is at the back of the petitioners is not a ground as such for this court to interfere. It is always open to the petitioners to take benefit of the same if permissible in law before the appropriate forum as and when the matter comes up for consideration.

Accordingly, there is no merit in the present writ petition and the same is dismissed in limine.

October 09, 2018

Pka

(G.S.SANDHAWALIA)

Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No