

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

CWP-3056-2018 (O&M)

Date of decision:- 23.05.2018

Sanjay and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present:- Mr. Rajeev Sharma, Advocate,
for the petitioners.

Mr. Sandeep S. Mann, Sr. DAG, Haryana,
for respondents No. 1 to 5.

Mr. Sushil Jain, Advocate,
for respondents No. 6 and 7.

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AVNEESH JHINGAN, J. (ORAL)

The present petition has been filed for quashing the permission given by the Deputy Commissioner, Sonapat for excavating soil from a shamlat land for levelling the same.

2. On notice of motion, the reply has been filed by the official respondents. In the reply, the official respondents have stated that the excavation is being done to level the land to make it fit for cultivation. On instructions from respondent No. 4, the learned State Counsel states that the said soil is not being sold and is being actually used for making a park in the same village. The learned counsel for the Gram Panchayat also states that the shamlat land is being levelled to make it fit for cultivation.

3. The learned counsel for the petitioners at this stage states that it is factually wrong and actually the said soil is

being sold and the land is not being levelled it is being used for excavating the soil. Respondent No. 6 alongwith the written statement has attached the Civil Suit filed by the other residents of the village seeking decree for permanent injunction restraining the defendants from taking out or selling the sand/land.

4. Since in the present writ petition disputed questions of fact are involved and the matter is pending in the Civil Suit, the writ petition is dismissed with liberty to the petitioners to avail the other remedies available to them including of a Civil Suit.

(AVNEESH JHINGAN)

JUDGE

23.05.2018

Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No