

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

LPA No.702 of 2016 (O&M) in
CWP No.4890 of 2016
Date of decision:24.07.2018

Rajinder Singh Ahlawat

... Appellant

Vs.

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Babbar Bhan, Advocate
for the appellant.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

Amit Rawal, J.

Appellant is aggrieved of the order of the learned Single Judge dated 15.03.2016, whereby the writ petition was disposed of being not maintainable as the petitioner had the remedy of a civil suit.

This Court, vide order dated 02.05.2016 by noticing the fact that the appellant was never associated with the demarcation report which led to his dispossession, had issued notice of motion. Affidavit of Ravinder Singh, Patwari, Halqa Dadri IInd, District Charkhi Dadri dated 20.07.2018 filed in Court is taken on record. It is stated therein that demarcation was done on 23.10.2015 after issuing notice to the appellant.

Learned counsel appearing on behalf of the appellant submitted that action of the respondents is totally against the provisions of Article 300-A of the Constitution of India as no person can be deprived of his land or title except in due course of law.

We are afraid that the aforementioned argument of Mr. Bhan is not able to cut ice, for, an opinion expressed by the Single Bench in disposing of the writ petition by relegating the appellant to avail the remedy of a civil suit does not call for any interference as disputed question of facts and law are involved which can only be adjudicated in the proceedings, if taken under Section 9 of Code of Civil Procedure.

For the reasons aforementioned, no ground for interference in the order under challenge, is made out. The Letters Patent Appeal is accordingly dismissed. Consequently, the application for condonation of delay in filing the appeal is also dismissed.

(Rajesh Bindal)
Judge

(Amit Rawal)
Judge

24.07.2018
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No