

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no.9363 of 2019 (O&M)
Date of Decision : 08.04.2019

Kulraj Kataria

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE LALIT BATRA

Present : Mr.K.P.Singh, Advocate for the petitioner(s)

MAHESH GROVER, J.(ORAL)

The petitioner prayed for issuance of a writ in the nature of Mandamus directing the official respondents to rid the area specified in the pleadings of encroachment at the behest of respondent no.5. It is not in dispute that the said respondent filed a suit for declaration and permanent injunction seeking to restrain interference in the described area but was unsuccessful. There is also some material on record to suggest that ownership of the property had a history of dispute.

If that be so, then we are of the opinion that civil Court would be better equipped to look into the grievance of the petitioner, particularly, when respondent no.5 failed to establish his claim which would as a logical corollary be useful to the petitioner to establish his cause.

Hence, instant petition is disposed of with a liberty to the petitioner to approach the civil Court.

(Mahesh Grover)
Judge

08.04.2019
rekha

(Lalit Batra)
Judge

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