

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.11309 of 2019

Date of Decision:-01.05.2019

Imamdin.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present:- Mr. Amandeep Saini, Advocate for the Petitioner.

JASWANT SINGH, J.

Petitioner-Imamdeen has filed the instant writ petition, seeking a writ in the nature of Certiorari for quashing the order dated 15.04.2019 (P-6) passed by Assistant Collector (Panchayat), SAS Nagar with a further prayer for issuance of writ in the nature of Mandamus for directing the Assistant Collector (Panchayat), SAS Nagar Mohali to keep the proceedings in question in abeyance till the decision of civil suit.

It is evident from the record that previously Gram Panchayat, Khijrabad had filed an eviction petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (in short referred to as the 'Act, 1961') which was disposed of by the

competent Authority by giving the Panchayat liberty to file a title suit

under Section 11 of the Act, 1961 in order to get the question of title decided. It is further apparent that subsequently, a civil suit was also filed by petitioner before Civil Judge(Jr. Divn.), Kharar whereby he had claimed title over the property in question. However, Gram Panchayat again filed a petition for eviction by invoking Sections 4 & 5 of the Punjab Public premises and Land (Eviction and Land Recovery) Act, 1976, in which an application for adjourning the case sine-die was moved by petitioner in view of the civil suit for title being pending consideration. However, the said application has been dismissed vide impugned order dated 15.04.2019 (P-6).

Learned Counsel for the petitioner has argued that the learned Assistant Collector (Panchayat), SAS Nagar, Mohali ought to have adjourned the proceedings sine-die as the question of title has yet not been decided and, therefore, the proceedings initiated by Gram Panchayat before the authority below are without jurisdiction.

However, after hearing learned Counsel for the petitioner, we are of the opinion that this is not the right forum for the petitioner to agitate his grievance, as he has an efficacious alternate remedy to seek stay of eviction proceedings pending before competent Authority. Faced with this situation, the Counsel for the petitioner seeks permission to withdraw the instant writ petition with a liberty to file an appropriate application before the competent authority/civil court seeking appropriate relief/remedy, including challenge to impugned order Annexure P-6 dated 15.04.2019, as available to him under law.

which seems justified, instant writ petition is ordered to be dismissed as withdrawn with liberty as aforesaid.

Ordered accordingly.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

May 01, 2019
Vinay

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