

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

CWP-13299-2019

Date of Decision: 23.10.2019

Surinder Kaur

....petitioner

Versus

State of Punjab and others

.....respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.L.S.Mann, Advocate
for the petitioner

RAJIV NARAIN RAINA, J. (ORAL):

CM-10800-2019

Application is allowed. Annexure P5 is taken on record.

CWP-13299-2019

Prayer in this petition is for issuance of a writ in the nature of certiorari for quashing the order dated 24.01.2017 (P4) vide which no direction has been issued to take action against respondents No.3 to 6 and further for issuance of a writ in the nature of mandamus directing the official respondents to hand over the possession of disputed land to the petitioner.

Mode of partition is not necessary for determination of the following material prayer made in para No.2 of the writ petition:

“That petitioner is aggrieved by the action of respondent No.2 vide which it refused to take any action against the private respondents and further refused to hand over the possession of the land situated in khasra No.24//22/1/1 to the petitioner by averring that the allegations against the

CWP-13299-2019

private respondents could not be proved.”

It is not the business of the writ Court to determine the right of possession of one party over the other, especially in a case where, this Court has been informed that the final partition has been effected in the revenue Court. If the petitioner has any dispute with respondents No.3 to 6, he may avail the remedy available in the civil law but the writ jurisdiction is not an appropriate remedy in such a matter.

No ground for interference is made out.

Dismissed.

23.10.2019

neenu

**(RAJIV NARAIN RAINA)
JUDGE**