

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

**CWP NO. 19395 OF 2010
DECIDED ON : 26.03.2019**

Manohar Lal

...Petitioner

versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sandeep Jain, Advocate and
Mr. Sachin Jain, Advocate,
for the petitioner.

Ms. Ambika Sood, DAG, Punjab.

Mr. Sanjiv Gupta, Advocate,
for the respondents.

ARUN MONGA, J. (ORAL)

1. The present writ petition has been filed, *inter-alia*, seeking issuance of a writ in the nature of certiorari to quash the order dated 21.04.2010 (Annexure P-15) passed by Under Secretary, Department of Revenue, Punjab Government, whereby on the death of Mohatmeem Morari Lal chella Banka Ram, appointment of Mohatmeem of Mandir Thakar Dwara, Diwana, Nabha, District Patiala, was ordered and pursuant thereto one Harish Ram Chella Morari Lal was appointed.

2. Per contra, learned State counsel, as also learned counsel for respondent No.5, submit that the writ petition is not maintainable as highly cantankerous facts are involved in the present case which require adducing of evidence and unless the facts are thrashed out, the dispute raised by the petitioner cannot be agitated in the extra ordinary writ jurisdiction of this Court.

3. Learned counsel for the petitioner contends that the writ petition was originally filed to challenge the then Mohatmeem appointed pursuant to the impugned order dated 21.04.2010. During the pendency of writ petition, he has since expired and the impugned order accordingly is abated qua the said appointment. A fresh appointment order ought to have been issued.

4. Apropos, learned counsel for respondent No.5 contends that upon the death of the then Mohatmeem, subsequently one Ms. Kiran Sharma was appointed as Mohatmeem and appropriate application seeking her impleadment was filed to substitute her as respondent No.5 in present proceedings.

5. Having gone through rival pleadings and heard learned counsel for the parties, I am of the opinion that in view of disputed factual matrix and other complexities involved in the case, the writ petition is not an appropriate remedy. This petition is, therefore, dismissed with liberty to the petitioner to agitate his cause by way of filing an appropriate civil suit or any other remedy available to him under the law.

(ARUN MONGA)
JUDGE

MARCH 26, 2019
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Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No