

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

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Civil Writ Petition No.14233 of 2017 (O&M)
Date of Decision: November 13th, 2019

Jaswant Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Nand Lal Sammi, Advocate
with Mr. H.K. Sammi, Advocate
for the petitioners.

Mr. T.P.S. Chawla, Deputy Advocate General, Punjab.

Mr. Hardeep Singh, Advocate
for respondent No.5.

AUGUSTINE GEORGE MASIH, J. (ORAL)

There is a primary objection raised by the Sub Divisional Officer, Department of Panchayati Raj-respondent No.5, wherein it has been stated that a civil suit is pending before the Additional Civil Judge (Senior Division), Rajpura. Copy of the civil suit has also been appended as Annexure R-5/1.

Perusal of the said civil suit would indicate that the said civil suit was filed in the month of August 2016 and the petitioners are the party to the civil suit as defendants No.3 and 4. The said fact of a civil suit pending, where one of the pleas is for demarcation of the land and for construction of the *nallah* in *gairmumkin phirni*, which is a subject matter of the present writ petition also, is not disputed. Despite the civil suit being pending at the time when the writ petition was filed, in which petitioners are also a party, the said fact having not been mentioned in the writ petition clearly indicates that an effort has been made by the petitioners to not

for the same relief would not be maintainable.

The writ petition having been filed not *bona fidely* in the light of the above facts deserves dismissal.

Ordered accordingly.

November 13th, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No