

CWP-10961-2020 (O&M)
Date of decision: 30.07.2020

Lt. Col. (Retd.) G.S.Ghuman ...Petitioner

Versus

State of Punjab and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain
Hon'ble Mr. Justice Ashok Kumar Verma

Present: Mr. G.S.Ghuman, Petitioner in person.

Rakesh Kumar Jain, J. (Oral)

Case taken up through Video Conferencing.

The petitioner, appearing in person, has challenged the validity of the letter issued by the Government of Punjab dated 09.06.1987, communicated on 04.12.1987 and for setting aside the judgment decree dated 28.02.2008 passed by Civil Judge (JD), judgment decree dated 30.04.2010 by which appeal filed by the petitioner was dismissed by the Additional District Judge, Amritsar and the judgment decree dated 31.01.2020 passed by this Court in second appeal bearing RSA No.4321 of 2010.

The present writ petition has been filed after an order is passed on 01.07.2020 in the review application filed by the petitioner in RSA No. 4321 of 2010 which was dismissed on 31.01.2020.

The petitioner has submitted that since the civil suit filed by the petitioner for mandatory injunction, asking for completing all formalities including the agreement to sell regarding allotment of plot No.E-17 was dismissed on account of limitation, therefore, the right of the petitioner subsists though the remedy was not available to him. It is thus submitted that after the order was passed in the review application, the present writ petition has been filed under Article 226 of the Constitution of India to avail the Constitutional remedy. In support of his submission, he has relied upon a decision of the Supreme Court in

the case of Board of Trustees, Port of Kandla Vs. Official Liquidator
2017 (357) ELT 3.

We have heard the petitioner and perused the record with his able
assistance.

Since the petitioner had already availed the remedy of Civil Suit for
redressal of his grievance in regard to allotment of the plot in which he had failed
even on account of limitation to maintain the civil suit before the Civil Court and
the judgment decree of the civil Court dated 28.02.2008 has been continuously
upheld up to this Court when the regular second appeal filed by the petitioner was
dismissed on 31.01.2020, the petitioner does not have any right much less the
locus standi to maintain this petition under Article 226/227 the Constitution of
India to assail the judgment decree of this Court passed in RSA by way of a writ
petition even if some observation has been made by the learned Single Judge while
disposing of the review application.

Thus, the writ petition is totally misconceived and is hereby
dismissed.

[RAKESH KUMAR JAIN]
JUDGE

[ASHOK KUMAR VERMA]
JUDGE

30.07.2020
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Whether speaking / reasoned	:	Yes/No
Whether reportable	:	Yes/No