

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

Sr. No.219

Date of Decision: 03.11.2020

1. CWP-15563-2020 (O&M)

BALWINDER SINGH

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

2. CWP-16487-2020

GURBAX AND ANOTHER

...Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE S.N. SATYANARAYANA
HON'BLE MRS. JUSTICE ARCHANA PURI**

**Present: Mr. Ashok Singla, Advocate,
for the petitioner(s).**

Mr. Pankaj Gupta, Additional Advocate General, Punjab.

**Mr. Manish Kumar Singla, Advocate,
for respondent No. 5.**

S.N. SATYANARAYANA, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The petitioners in these two writ petitions are in possession of a portion of land, which is stated to be shamlat deh land of village Durd. It is in this background, notices were issued to various persons. In response to that, two petitions are filed, one by Balwinder Singh in CWP-15563-2020 and another by Gurbax Singh and Gurbachan Singh as petitioners, in CWP-16487-2020 and that all the aforesaid three persons are brothers. It is stated that some other

persons similarly placed were also issued with notice on the same line, where other two persons by name Labh Singh and Gurmail Singh had filed writ petition in CWP-14500-2020 in challenging the same. The said writ petition, when opposed was subsequently withdrawn on the ground that, the petitioners therein would approach the competent authority to seek necessary relief with reference to their entitlement to the property.

In this proceeding, when we take CWP-16487-2020 for consideration, we notice that a direction was issued to the petitioners to place on record the documents, supporting their title to the property in question, which reads as under:

“Learned counsel for the petitioners is directed to place on record the documents to show as to how they acquired the ownership/possession of the land in question.”

The petitioners herein have not produced said documents till today. When this matter is taken up today, learned counsel for the petitioner in these two writ petitions would submit that an application, is filed by them before 3rd respondent-District Development and Panchayat Officer, Patiala, with reference to their right to the property in their possession and the same is pending consideration.

In the aforesaid circumstance, we do not find any justification in the petitioners approaching this court by filing this writ petitions when their application with reference to their title to property in question is pending consideration before 3rd respondent-District Development and Panchayat Officer, Patiala. Therefore, question of entertaining these writ petitions, as an alternate remedy to ensure any kind of protection to the petitioner(s), does not merit consideration.

Accordingly, these writ petitions are disposed of, reserving liberty to the petitioner(s) to pursue the application, which is pending before 3rd respondent-District Development and Panchayat Officer, Patiala, and thereafter to challenge the outcome of said proceedings, before the appropriate authority if necessary. At this juncture, the petitioner(s) shall exhaust the remedy available to them before the competent authority, as provided under the Act, and thereafter come to this Court, and not to rush to this court immediately at the stage of issuing notices.

With such observation, these writ petitions are hereby disposed of.

(S.N. SATYANARAYANA)
JUDGE

(ARCHANA PURI)
JUDGE

03.11.2020
himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No