

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.15579 of 2020

Date of Decision:-07.12.2020

Raja Ram & Ors.

.....Petitioners.

Versus

State of Haryana & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present:- Mr. Ranjit Saini, Advocate for the Petitioners.

Ms. Shruti Jain Goyal, Deputy Advocate General, Haryana
for respondent Nos.1 to 6.

Mr. Sanjiv Gupta, Advocate for respondent No.7.

JASWANT SINGH, J.

*[The aforesaid presence is being recorded through video conferencing since the
proceedings are being conducted in virtual court]*

Through the present writ petition, petitioners are seeking directions to respondent no 6-Assistant Collector 1st Grade, Ladwa, District Kurukshetra not to rely upon the order dated 08.02.2006 passed by Commissioner, Ambala, Division (P-4) as well as order dated 05.09.2006 (P-6) passed by the Financial Commissioner, as the same have been set aside by this Court in its judgment dated 28.11.2014 passed in CWP No 7391 of 2007 (P-7) preferred by present writ petitioners.

It is the contention of the learned Counsel for petitioners that in an eviction petition filed against them, they had raised a question of title which was decided against petitioners by the Assistant Collector-1stGrade

vide order dated 20.07.1998 (R-1/1) which has been upheld by

Commissioner, Ambala as well as by Financial Commissioner. However, this Court vide order dated 28.11.2014 passed in CWP No.7391 of 2007 (Annexure P-7 or R-1/3) set aside the orders passed by the authorities below in terms of judgment passed by this court in another writ petition titled as CWP No. 8413 of 2007 decided on 13.09.2013 (R-1/2). It is submitted that once the said order passed by authorities below have been set aside, the respondent no 6- Assistant Collector 1st Grade be directed not to rely upon the said orders for deciding any issue against them.

Per contra, learned State Counsel, while referring to the written statement filed, has stated that the present writ itself is not maintainable as they have an alternative remedy of raising all the pleas before the authority concerned. It is further submitted that the writ petitioners are squatters who are holding over the property belonging to Gram Panchayat. It is stated that the land involved in remand order dated 13.09.2013 passed in CWP No. 8413 of 2007 was of same village and the question of law was also same. However, at the time of getting their writ petition disposed off in terms of judgment passed by this Court in CWP No. 8413 of 2007, the present writ petitioners had intentionally not disclosed that after the remand order dated 13.09.2013 passed in CWP No. 8413 of 2007, the competent authority had again adjudicated the issue of title amongst the parties therein on 09.07.2014 (R-1/5) and dismissed their title suit. Further, the writ petitioners herein had also filed an application seeking review of the order dated 28.11.2014, which was dismissed as withdrawn with liberty to take their appropriate remedy as available to them by this Court vide order dated 06.03.2020 (R-1/4). However, till date the petitioners have not pursued their title suit. On the strength of these submissions, it is prayed that present writ petition is liable to be dismissed.

We have heard learned Counsel for the parties at length and have perused the paperbook with their assistance.

We are of the opinion that the present writ petition is completely mis-conceived. As rightly pointed out by the State Counsel, once the matter was remanded back to the competent authority, it was incumbent upon the writ petitioners to participate in the title suit pending before competent authority and get it adjudicated. In the absence of such adjudication, the competent authority is well within law to continue with its

own interpretation on the basis of revenue record available with it. In case the writ petitioners are not interested to get their title adjudicated, no authority can force to approach them. At the same time, the writ petitioners cannot seek mandamus from this court seeking to restrain the authorities from interpreting the orders, especially when it has been concealed from us that a title suit pertaining to land of same village and involving similar question of fact and law stands adjudicated. Thus, the prayers made in the present writ petition are not only mis-conceived but borders malice on their part.

However, without going further into the merits of the case, lest it prejudices the interest of petitioners, we dispose of the writ petition with the liberty to them to raise their pleas before the competent authority, if so advised.

Disposed of in above terms.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

December 07, 2020
Vinay

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No