

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 32468 of 2019

Date of Decision: January 21, 2020

Ram Dhan and another

.....Petitioners

versus

Commissioner Rohtak Division Rohtak and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sanjiv Gupta, Advocate
for the petitioners

Sudhir Mittal, J. (Oral)

The petitioners have challenged order dated 21.08.2019 whereby their eviction has been ordered under the Haryana Public Premises (Eviction and Rent Recovery) Act, 1972.

Admittedly, the order is appealable.

Learned counsel for the petitioners has submitted that authorities below have failed to give a finding on the issue of title. The land in dispute was never acquired and, thus, the possession of the petitioners cannot be said to be unauthorized occupation of public land.

An appellate authority can also decide the issue raised by learned counsel for the petitioners. Although existence of an alternative remedy does not bar writ jurisdiction, in the event of, existence of an efficacious alternative remedy, the writ Court would be loathe to entertain the writ petition.

Faced with this situation, learned counsel for the petitioners wishes to withdraw the present petition with liberty to approach the appellate authority.

Dismissed as withdrawn with aforementioned liberty.

Learned counsel for the petitioners submits that the appeal will be filed within seven days from today and that delay in filing the appeal may be condoned.

In case the petitioners file the statutory appeal within a period of seven days from today, limitation shall not come in their way.

January 21, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No