

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-36261-2019 (O&M)
Date of Decision:10.02.2020

Gourav

..... Petitioner

Vs.

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE JASGURPREET SINGH PURI

Present: - Mr.Gurnam Singh, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is directed against the order dated 08.08.2019 passed by the Deputy Commissioner-cum-District Magistrate, Kurukshetra by which BDPO has been appointed as Duty Magistrate in order to remove the alleged encroachment from the land of the Gram Panchayat at the instance of the petitioner.

Counsel for the petitioner has admitted in para No.5 of the writ petition that the petitioner has already filed a suit for permanent injunction restraining the defendant therein from interfering in his peaceful possession of the property in dispute. It is further averred in the writ petition that the application for temporary injunction has also been filed which is now postponed for 08.04.2020. It is further submitted that the order dated 08.08.2019 impugned herein could not have been issued by the Deputy Commissioner until and unless an order of ejectment is passed.

We have heard counsel for the petitioner and after perusal of record, are of the considered opinion that since the petitioner is apprehending

that his right to property is going to be effected at the instance of the respondent, who has issued an order dated 8.8.2019 and he has already filed suit for permanent injunction which is still pending, he would be well within his right to file an appropriate application to implead present respondents also challenging the order dated 08.08.2019 by amending suit and for seeking injunction as well but insofar as the writ petition is concerned, the same is not maintainable.

In view of the above, the present petition is hereby dismissed as not maintainable, with liberty to the petitioner to avail his remedy, in accordance with law.

(RAKESH KUMAR JAIN)
JUDGE

(JASGURPREET SINGH PURI)
JUDGE

10.02.2020

Vivek

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*