

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

CWP No.7443 of 2021 (O&M)
DATE OF DECISION: 01.04.2021

Khushal Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Judgepreet Singh Warring, Advocate for the petitioner

Ms. Kanica Sachdeva, AAG, Punjab.

..

ALKA SARIN, J. (Oral):

Heard through video conferencing.

The prayer in the present petition is for issuance of a writ in the nature of certiorari quashing the letter dated 22.01.2021 (Annexure P-4) and further for a direction to the official respondents not to dispossess the petitioner from the land measuring 22 kanals comprised in Khewat No.2170/1939, Khatoni No.3537, Khasra No.467/2 (22-0), Hadbast No.196 situated in the revenue estate of Jalalabad, Tehsil Jalalabad, District Fazilka.

Learned counsel for the petitioner would contend that the impugned letter dated 22.01.2021 has been addressed by the Tehsildar, Jalalabad, District Fazilka to the Sub Divisional Magistrate, Jalalabad for demolishing the building of the Old Tehsil. Learned counsel for the petitioner would further contend that the petitioner is in adverse possession of the said building and, hence, his dispossession be stayed.

I have heard the learned counsel for the petitioner.

A perusal of the representation dated 27.01.2021 (Annexure P-5) submitted by the petitioner to the Sub Divisional Magistrate, Jalalabad reveals that there is mention therein about the petitioner having filed a civil suit titled *Khushal Singh vs. Bhajan Kaur, etc.* claiming that he is in occupation of the land in dispute and ownership be given to him on the basis of possession. Since the main body of the present civil writ petition makes no mention about such a civil suit and neither did the counsel for the petitioner provide any information to this Court, this Court accessed the High Court records as available on the website and discovered that the civil suit of the petitioner titled *Khushal Singh & Ors. vs. Bhajan Kaur & Ors.* was for declaration and permanent injunction that he is owner and in actual physical possession of land measuring 22 Kanals comprised in Khewat No.2170/1939, Khatoni No.3537, Khasra No.467/2 (22-0), Hadbast No.196 situated in the revenue estate of Jalalabad, Tehsil Jalalabad, District Fazilka. The said suit was dismissed by the Trial Court vide judgement and decree dated 20.02.2015, his appeal was dismissed by the Appellate Court vide judgement and decree dated 21.04.2017 the regular second appeal being RSA No.5934 of 2018 was dismissed by the High Court on 26.02.2019. None of the said facts find a mention in the writ petition or in the representation addressed to the SDM Jalalabad (Annexure P-5).

Further, the translated version of the impugned letter dated 22.01.2021 (Annexure P-4) reads as under:-

“It is requested that on the subject cited above that there is a proposal for construction of a club on the land of the Old Tehsil Complex and the site was inspected alongwith the Halqa Kanungo. On some portion at the spot the office of PWD Department is functioning and in some part of the building there is office of Punjab Home Guards and in the old Tehsil building some unknown person has put a lock on one room. According to the PWD employees there is no residence of any person over there but on one room an unknown person has put a lock. As per order passed verbally that in case the old building has to be removed then

necessary approval be accorded for constituting a committee for removing this building.”

The impugned letter dated 22.01.2021 (Annexure P-4) does not contain any direction to any Government official to dispossess the petitioner or any other person from the Old Tehsil building or demolish the same. It only presents the factual situation existing at the spot.

The dispute raised in the present civil writ petition is of a purely factual nature with no questions of law involved warranting no interference by this Court in the exercise of it's jurisdiction under Articles 226/227 of the Constitution of India.

In view of the above, I do not find any merit in the present civil writ petition and the same is dismissed.

Dismissed.

**(ALKA SARIN)
JUDGE**

01.04.2021
parkash

NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO