

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

**Civil Writ Petition No. 965 of 2021 (O&M)
Date of Decision: 15.01.2021**

Ramher and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

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

Present: Mr. Randhir Singh Duhan, Advocate
for the petitioners.

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

JASWANT SINGH, J.

The petitioners, five (05) in number, have filed the instant writ petition seeking the following reliefs:-

- (i) To direct the Respondent No. 3 and 6 to hold the specific Enquiry for illegal distribution of compensation of the State of Haryana and National Highway Authority of India and to take the action against delinquent (*old and new*) officials accordingly;
- (ii) To direct the respondent No. 1 to 5 to set aside the present Draft Consolidation Scheme dated 27.07.2015 (Annexure P-1) and to frame new Consolidation Scheme in the light of proposed National Highway and its Construction and Infrastructure facilities with respondent No. 6;
- (iii) To direct and issue a writ of mandamus respondents 1 to 5 to display and provide Revenue Records of village with chak maps old and new to each chak holders and issue Field pass-book with

complete map of the village (*Old and New*) so that petitioners may file objections against the Scheme and can assist the officials in conducting the Enquiry;

- (iv) To issue a commission (nominated by Commissioner / Deputy Commissioner, Rohtak) and call and submit a report to this Court by the way of inspecting the record with spot inspection pertaining the allegations leveled by the petitioners in the present writ petition for fixing of the responsibility of wrong delinquent officials by affording an opportunity of hearing after providing the relevant record to the petitioners;
- (v) To direct the Consolidation Officials (Respondents) not to transfer the possession of the land and restrain them from depositing the Consolidation record before Collector Rohtak as it will create new civil un-ending litigations and corrupt actions shall be covered up by closing the consolidation proceedings;
- (vi) To direct all the respondents (*as a matter of urgent interim relief*) not to declare closure of the Consolidation Proceedings by ordering status-quo (by not depositing the record and not to allow any further alternation in revenue record) and till the inquiry is not completed, the Notification of closer of Consolidation Scheme to be deferred.

A perusal of the prayer clauses make is clear that disputed questions of fact have been raised by the writ petitioners for which extraordinary jurisdiction of this Court has been invoked. It is apparent that the petitioners have alternative efficacious remedies available to them under

of Fragmentation) Act, 1948 as well as The National Highways Act, 1956, apart from other relevant statutes as advised to them.

The inherent powers under Article 226 of the Constitution are to be exercised consciously and by exercising self restraint. By invoking Article 226 of the Constitution, the litigants cannot be permitted to skip the queue and raise factual issues before High Courts. For each grievance, the Legislature has provided for remedies to its Citizens by enacting statutes, which are required to be invoked by them for redressal. Thus, the citizens are expected to approach the right Forum and raise their pleas there and not approach the High Court directly. Hence, we find that the present writ petition is not maintainable.

In view of the above, the present writ **petition** is **dismissed** with a liberty to the petitioners to seek their remedies in accordance with law under the relevant statutes.

(JASWANT SINGH)
JUDGE

January 15, 2021
'dk kamra'

(SANT PARKASH)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No