

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(221)

CWP No. 3296 of 2020
Date of Decision:09.09.2022

SATBIR SINGH

.....PETITIONER

Versus

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Saurabh Bajaj, Advocate for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. S.S. Aviraj, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J.(Oral)

The present petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of mandamus for directions to the respondents to not to deliver the possession of the plots to the alleged allottees in light of the order dated 22.07.2013 passed by this Court in CWP No.14590 of 2011.

Learned counsel appearing for the petitioner contends that the petitioner had earlier filed the aforesaid writ petition i.e. CWP No.14590 of 2011, raising a challenge to the allotment made in favour of the allottees and that vide order dated 22.07.2013, the Deputy Commissioner, Panipat was directed to ensure that physical possession of the plots in question should not be handed over to any of the alleged allottees. He further contends that *dehors* the aforesaid order and despite the pendency of the said writ petition in this Court, physical possession of the plots in question has been handed over by Deputy

Commissioner, Panipat.

The prayer has, thus, been made to direct the official respondent not deliver the possession to the said allottees.

I have heard learned counsel appearing for the petitioner at length.

It is not in dispute that the writ petition i.e. CWP No.14590 of 2011 remains pending and an order had been passed by this Court on 22.07.2013. In the event of any disregard to an interim order passed by this Court, a separate petition invoking the writ jurisdiction of this Court is not the appropriate remedy. Even otherwise, the petitioner is seeking a direction not to deliver the possession of the plots to the alleged allottees without impleading the said allottees as parties in the present petition. Hence, the present petition is also bad for non-joinder of necessary parties.

It is also noticed that the delivery of possession is an act which is consequential to the allotment. Since the allotment is already sub-judice before the Court and is already under consideration in CWP No.14590 of 2011, the filing of a separate writ petition for consequential relief is not an appropriate remedy in accordance with law.

The present petition is thus dismissed.

Nothing said herein would however be a bar to the petitioner to take recourse to appropriate remedies that are available to him in accordance with law.

(VINOD S. BHARDWAJ)
JUDGE

September 09, 2022
Anjal

<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>