

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

Sr. No.114

Civil Writ Petition No.5003 of 2022

Date of Decision : March 14, 2022

Tej Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Neeraj Saini, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner is one of the mortgagees. He had filed a civil suit dated 22.03.2014 for recovery of the amount advanced to the mortgagor along with interest. The suit was dismissed and based thereupon the Tehsildar, Sonipat has passed order dated 04.06.2021 entering a rapat that the mortgage has been cancelled.

It is the contention of learned counsel for the petitioner that dismissal of the civil suit for recovery does not lead to the conclusion that the Civil Court has directed cancellation of the entry regarding mortgage.

The impugned order has been passed by a revenue official and the same is appealable under the Punjab Land Revenue Act, 1887. The argument being raised before me can also be raised before the Appellate Court and thus, since there is an equally efficacious remedy available to the petitioner, I refrain from exercising my jurisdiction under Article 226 of the Constitution of India.

Faced with this situation, learned counsel for the petitioner wishes to withdraw this writ petition with liberty to approach the Appellate Court.

Dismissed as withdrawn with the aforementioned liberty. In case issue of limitation arises, the same shall be dealt with sympathetically.

March 14, 2022

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No