

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

115

CWP-9869-2022

Date of Decision : 10.05.2022

Dharamvir

--Petitioner

Versus

State of Haryana and others

--Respondents

**CORAM:- HON'BLE MR.JUSTICE G.S.SANDHAWALIA
HON'BLE MR.JUSTICE PANKAJ JAIN.**

Present : Mr.Piyush Kant Jain, Advocate
for the petitioner.

G.S.SANDHAWALIA, J.(ORAL).

Challenge is to the order dated 08.07.2021 (Annexure P-2) passed by the Tehsildar, Jagadhri, whereby attachment has been made on account of recovery proceedings for dues of Rs.83,39,159/- to the government. Further prayer has been made to quash all orders, directions or proclamations made in relation thereto behind the back of the petitioner without serving on the petitioner copies thereof.

From the pleadings, it is clear that the petitioner was a partner of M/s Ambika Plywood Industries, Jagadhari. One of the partner has retired on 31.10.2002 and the other Mr. Kapoor Chand died on 26.12.2016. It is then admitted that the petitioner is the sole surviving partner. Apparently, the dues are off the partnership concern. The said outstanding assessment orders of the competent authorities have not been placed on record for perusal.

In such circumstances, we are of the considered opinion that the petitioner has various alternative and efficacious remedies available to him.

It is settled principles that the writ court jurisdiction is an extraordinary

jurisdiction and is not liable to be exercised where such alternative remedies are available. Reliance in this regard can be placed upon judgments of the Apex Court in **United Bank of India Vs. Satyawati Tondon & others (2010) 8 SCC 110**. The principles laid down read as under:-

“30. The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

- (a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;*
- (b) the petition reveals all material facts;*
- (c) the petitioner has any alternative or effective remedy for the resolution of the dispute;*
- (d) person invoking the jurisdiction is guilty of unexplained delay and laches;*
- (e) ex facie barred by any laws of limitation;*
- (f) grant of relief is against public policy or barred by any valid law; and host of other factors.”*

The provision of the Punjab Land Revenue Act, also provides that the orders passed by the Assistant Collector, Collectors and other Revenue Officers are appealable and revisionable.

In such circumstances, we are of the considered opinion that the petitioner has also alternative efficacious remedy available to him. We can only say that the present writ petition is misconceived on the face of it and resultantly, the same is dismissed with the aforesaid liberty.

At this stage, counsel submits that he wishes to withdraw this writ petition to avail his alternative remedy.

Ordered accordingly.

(G.S.SANDHAWALIA)
JUDGE

(PANKAJ JAIN)
JUDGE

10.05.2022
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |