

CWP-11963-2022

Date of Decision:30.05.2022

Inderjit Singh

.....Petitioner

Vs.

State of Punjab and another

...Respondents

**CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH
HON'BLE MR.JUSTICE LALIT BATRA**

Present: Mr. Jaideep Verma, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner seeks issuance of a writ in the nature of 'mandamus' directing the Ludhiana Improvement Trust/respondent no.2 to allot plots measuring 812.5 sq.yards, in any development scheme in Ludhiana.

Upon query to learned counsel for the petitioner as to why this court should interfere in an allotment of the year 1969, i.e. 53 years ago, he submits that a civil suit was filed by the father of the petitioner which was withdrawn on 01.02.2014, with the following order having been passed by the learned Civil Judge (Jr.Divn.), Ludhiana:-

“Sh.Ashok Mittal, Advocate, counsel for the plaintiff withdraw the present suit due to formal defect and seeking the liberty to file the fresh suit. In view of the statement suffered by the counsel for the plaintiff, present suit is dismissed as withdrawn on the ground of formal defect and granted to permission to file the fresh suit. File be consigned to the record room after due compliance.”

Obviously if liberty was given to the petitioners' father to file a fresh civil suit he would always be at liberty to do so, with any such civil suit to be considered wholly on its own merits in all aspects.

Hence, as regards this petition, we find no reason to entertain it by exercising jurisdiction under Article 226 of the Constitution and it is therefore dismissed.

(AMOL RATTAN SINGH)
JUDGE

May 30, 2022
dharamvir

(LALIT BATRA)
JUDGE

Whether reasoned/speaking : Yes
Whether reportable : No