

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

Sr. No.127

**Civil Writ Petition No.11051 of 2022
Date of Decision : May 23, 2022**

Sunder Devi

...Petitioner

Versus

Assistant Collector Ist Grade Bhiwani and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sushil Sheoran, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner purchased certain land which was under mortgage. The mortgagor redeemed the same but possession of the entire parcel was not handed over. Execution was filed and the same was disposed of as in respect of the remaining land paper possession was transferred. Since, physical possession had not been obtained, an application was filed for revival of the execution proceedings but the same has been dismissed.

The order of the Executing Court is amenable to challenge under Article 227 of the Constitution of India and a writ petition under Article 226 of the Constitution of India is prima facie not maintainable.

Thus, learned counsel for the petitioner prays for withdrawal of this writ petition with liberty to file an application under Article 227 of the Constitution of India.

Dismissed as withdrawn with the aforementioned liberty.

May 23, 2022

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No