

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

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**CWP-2681-2023
Date of decision: 09.02.2023**

KULWANT SINGH GILL

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Manpreet Singh Dhaliwal, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India, 1950 challenging the order dated 11.08.2022 passed by the Sub Divisional Magistrate, Moga (Annexure P-1) and a further prayer has been made for seeking direction to respondent No.2 to decide the application submitted by them against the impugned order.

Learned counsel for the petitioner contends that they are members as well as acting President of Shaheed Ganj Baba Khadak Singh and Nishan Sahib Committee, Village Mehana District Moga and have been taking care of the aforesaid property from last more than 30 years. The aforesaid Gurudwara had been constructed in the year 1962 by the followers and people of Patti Akal and the Committee had been formed for taking care of the said properties. Even though it is submitted by the counsel for the petitioner that the aforesaid Committee is registered under the Societies

Registration Act, 1860, however, it has been specifically observed by the Sub Divisional Magistrate, Moga in his order that no documents/certificates had been placed on record or handed over by the petitioner as well as other party in relation to Registration of the said Committee and its continued existence under the Societies Registration Act, 1860. No such document has been placed on record of the presnet petition as well.

Be that as it may, it is also specifically averred that civil litigation regarding the property is already pending and that earlier RSA No. 2304 of 1986 had been decided in which a judgment dated 21.09.2016 had been passed in favour of the present Committee. He has alleged that certain people are having an eye on the property described in para No.4 of the present writ petition and that with a view to take unlawful possession of the said land, they have entered into an unholy nexus with the local authorities to take control of the Gurudwara Sahib Committee and the properties attached thereto. He further avers that a civil suit has already been instituted and is pending before the Civil Court. Even though description of the said civil suit has not been given, an averment in this regard has been mentioned in para No.9 of the present writ petition.

Hence, the pendency of the civil suit pertaining to the property in question is claimed by the petitioner.

Taking into consideration that the petitioners are already before the Civil Court for seeking protection of their rights and Civil Court is seized of the said matter, filing of the instant petition for the same property and for seeking protection of rights to the property would amount to institution of multiple proceedings before separate forums against the same grievance.

There is no reasons why the petitioner cannot approach the Civil Court for

seeking protection of his rights that are alleged to be violated on account of the impugned order or action.

The petitioner thus seeks withdrawal of the petition to take recourse to his remedies as per law.

Accordingly without commenting on the merits and legality of the order passed by the Sub Divisional Magistrate, Moga at this juncture, the present petition is disposed of as withdrawn with liberty to the petitioner to take recourse to the alternative remedies available to him in accordance with law.

Disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 09, 2023

Vishal Sharma

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