

CWP-5828-2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision : May 09, 2023

BHARAT SINGH

-Petitioner

V/S

STATE OF HARYANA & ORS.

-Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sushil Kumar Verma, Advocate
for the petitioner.

Mr. P.P. Chahar, Sr. DAG, Haryana.

Mr. Satyam Khichi, Advocate for
Mr. P.K. Ganga, Advocate
for the respondent No.4.

Ms. Gurdeep Kaur, Advocate
for the respondents No.5 to 7 and 9.

SURESHWAR THAKUR, J.(ORAL)

1. The process server has reported, that during the pendency of the instant writ petition, before this Court, the demise of co-respondent No.8 has occurred. However, for reasons to be assigned hereinafter, yet this Court does not deem it fit, and, appropriate to make the asked for mandamus, upon the respondent(s) concerned, thus for ensuring the removal of the alleged encroachment(s), as, made by co-respondents No.5 to 9, over shamlat land(s).

2. The reason for this Court not making the above asked for mandamus, is comprised in the factum, that the writ remedy, as availed at the instance of the petitioner herein, is at this stage, a misconstituted remedy, as the statutory remedy available to become thus resorted by the

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petitioner, is through his instituting an eviction petition under the relevant statutory provisions, rather before the learned Assistant Collector concerned.

3. In consequence, the instant writ petition is dismissed, as being misconstituted, but with the above liberty becoming reserved to the petitioner.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

May 09, 2023
devinder

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