

127

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

CWP-4383-2023

Date of decision : 02.03.2023

Mehar Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vikram Singh, Advocate for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana
for respondent Nos.1 to 4.

VIKAS BAHL, J. (ORAL)

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside the order dated 23.02.2023 (Annexure P-6) passed by respondent No.1, order dated 26.10.2022 (Annexure P-4) passed by respondent No.2 and order dated 06.05.2013 (Annexure P-1) passed by respondent No.4, vide which, the mutation has been entered in favour of respondent No.5 on the basis of registered sale deed dated 29.05.2012 which had been executed by respondent No.7-Sudesh Rani.

It has been submitted that on 02.04.2012 i.e. prior to the registration of above sale deed, the petitioner along with two other persons had filed a suit for declaration with consequential relief of permanent

injunction against the said Sudesh Rani-respondent No.7 and thus, the said registered sale deed dated 29.05.2012 is hit by the principle of lis pendens and in view of the principle of lis pendens and also in view of the judgment passed by the Division Bench of this Court in the case titled as **Jagjit Singh Vs. Divisional Commissioner, Patiala and others** reported as **2012(13) RCR (Civil) 96**, learned counsel for the petitioner seeks permission of this Court to withdraw the present Civil Writ Petition with liberty to the petitioner to pursue civil suit which has been filed prior to the execution of the abovesaid sale deed.

In view of the above, the present Civil Writ Petition is dismissed as withdrawn with liberty to the petitioner to pursue civil suit filed by him.

02.03.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**