

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-6284-2019(O&M)

Date of decision : 04.09.2023

Manjeet Kaur and another

... Petitioners

Versus

District Magistrate, Patiala and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHLPresent: Mr.Bhavyadeep Walia, Advocate
for the petitioners.Mr.Ferry Sofat, Addl.A.G. Punjab
for respondents no.1 and 2.Mr.Mohit Kakkar, Advocate for
Mr.Bhupinder Ghai, Advocate
for respondents no.3 and 4.Mr.Amandeep Singh Rai, Advocate
for respondent no.5.**VIKAS BAHL, J.(ORAL)**

1. 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 quashing the impugned order dated 19.12.2018 (Annexure P-4) passed by respondent no.2.

2. Learned counsel for the petitioners has highlighted the relevant portion of the impugned order dated 19.12.2018 which reads as under:-

“After hearing the parties and perusing the material on record I have reached the conclusion that the house in dispute is under the ownership of Faquir Chand which he has constructed himself. The disputed house is within the Lal Lakir. The applicants are ready to give front portion of the disputed house to the respondents. Respondent (specific reference towards petitioner no. 1 in the order) who lives in the

back portion of the house is ready to take possession of the front portion of the house. Therefore, respondent is directed to get the front portion of the house renovated within 45 days and to shift there and should not cause any interference in the back portion of the house.

Order has been pronounced. The file be consigned to record after necessary formalities.

Dated: 19.12.2018

*Sd/ Addl. District Magistrate
Patiala.”*

Learned counsel for the petitioner has submitted that the petitioners are satisfied with the order and thus, seeks to withdraw the present petition but has submitted that the respondents be also bound by the said order and be directed to hand over the possession of front portion of the house as observed in the impugned order.

3. Learned counsel appearing for respondents no.3 and 4 has submitted that they have no objection to the said aspect and they are also bound by the impugned order and would hand over the front portion peacefully and have no objection in case the petitioners reside in the front portion of the house.

4. Learned counsel appearing for respondent no.5 has submitted that since the order is also in his favour, he may be also permitted to reside in the front portion of the house.

5. Learned State counsel has filed a short reply on behalf of respondents no.1 and 2. The same is taken on record.

5. With the consent of all the parties, the present petition is disposed of with the following directions:-

i) The order dated 19.12.2018 would be binding on all the parties.

ii) The petitioners as well as respondent no.5 who have been permitted to reside in the front portion of the house, would

reside in the front portion of the house to which respondents no.3 and 4 have no objection.

iii) Respondents no.3 and 4 would continue to reside in the back portion of the house to which no objection would be raised by the petitioners.

6. Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

September 04, 2023.

Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No