

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-5258-2023

Date of decision : 17.03.2023

Devinder Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Gaurav Chopra, Senior Advocate with
Mr.Anurag Chopra, Advocate, Mr.Akshat Dalal, Advocate and
Ms.Seerat Saldi, Advocate for the petitioners.

Mr.Ferry Sofat, Addl.A.G. Punjab.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction especially a writ in the nature of certiorari for quashing the order dated 26.12.2022 passed by respondent no.2.

On 16.03.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioners has submitted that although the civil court decree dated 29.02.1980 is in favour of the predecessor-in-interest of the petitioners and the said decree has not been set aside till date, yet the respondent authorities have put up boards on the property of the petitioners in which it has been mentioned by the State agency that the property is in dispute and sale transactions are stopped. It is further submitted that the said act of the respondent authorities is in violation of the right to property of the petitioners and is also in violation of the decree passed in favour of the predecessor-in-interest of the petitioners wherein State of Punjab was a party.

Learned State counsel has submitted that as per his instructions, the authorities have taken a decision to challenge the judgment and decree dated 29.02.1980 and the said proceedings

would be initiated in the near future.
Learned State counsel prays for an adjournment to get the instructions with respect to the boards.
Adjourned to 17.03.2023.
March 16, 2023.”

Learned State counsel, on instructions from Sh.Ismat Vijay Singh, SDM, Patiala, has submitted that out of the total land measuring 16 bighas and 4 biswas, half of the land i.e., 8 bighas and 2 biswas is still continuing in the name of the State of Punjab and the present land is a joint land. It is stated that with respect to the decree passed, the State is in the process of filing appropriate proceedings to challenge the same. It is further stated that letter dated 26.04.2022 was only an internal letter and further action by the State of Punjab with respect to the land in question would be taken in accordance with any order passed by a competent court of law. It is also stated that the respondent-State would also remove the board which has been put up at the property in question which is the primary grievance raised in the present writ petition.

Learned senior counsel for the petitioners has submitted that at this stage, the said statement made by learned State counsel satisfies the petitioners but has prayed that the State be bound by the said statement.

Keeping in view the above said facts and circumstances, the present petition is disposed of as having been rendered infructuous. The State would be bound by the statement made before this Court and the State will remove the board within a period of three days from today.

(VIKAS BAHL)
JUDGE

March 17, 2023
Davinder Kumar

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