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

CWP-12592-2022

Date of decision: 24.01.2023

RAM KANWAR KADIAN AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Mr. Vivek Khatri, Advocate for the petitioners.

Mr. Raman Sharma, Addl. A.G. Haryana

SURESHWAR THAKUR, J. (ORAL)

1. The grievance raised in the instant writ petition by the petitioners, is comprised in the factum, that despite an entry occurring in the revenue records, rather purportedly displaying the writ lands, as, *Jumla Malkan Digar Hissedar Hasab Rasab Rakba Khewat*, whereupon though *prima-facie*, the writ petitioners were entitled to make lawful user of the petition lands, yet through a noting made through an order/noting drawn on 14.06.1992, the writ lands became entered in the name of the *Panchayat Deh*. The petitioners through the instant petition seeks a *mandamus* being made upon the respondents concerned, for the quashing of the above order/noting.

2. However, without at this stage there being any cogent evidence displaying that the above made entry was unauthorizedly made nor when any cogent evidence exists rather revealing that it relates to khasra number(s), as exist in the revenue record concerned. Therefore, in the absence of the above, this Court cannot make the above asked for *mandamus* upon the respondents concerned.

3. Be that as it may, even otherwise the dispute relates to the respective lawful entitlement of the petitioners on writ land, and, of the valid lawful right thereto rather of the Gram Panchayat concerned.

4. The remedy for making an apt determination with respect to the entitlement to the petition lands respectively of the Gram Panchayat concerned, and, of the petitioner concerned, is obviously not before this Court, as merely on an exchange of affidavits, the above determination cannot be made, rather the above determination, with respect to the contesting litigants, respectively holding lawful title to the petition lands, can be made only after detailed pleadings becoming exchanged amongst the litigants concerned, and, thereafter issues being framed, and, whereafter evidence becoming permitted to be adduced thereons. Necessarily through the asking of the above mandamus, this Court is impermissibly strived to become converted into the Court of the Collector concerned.

5. In the face of the above, this Court finds no merit in the petition, it being completely mis-constituted, but with liberty to the petitioners, to forthwith file a petition under the relevant Statutory provisions before the learned Collector concerned, and, whereafter an appropriate order, in accordance with law shall be passed thereon, but after an opportunity of hearing becoming granted to all the aggrieved concerned.

6. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

24.01.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No