

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

CWP-11750-2023

Date of decision: 29.05.2023

BITTU AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Mr. Ashish Partap Pundir, Advocate
for the petitioners.

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

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioners apprehend that there is an imminent likelihood of theirs being evicted from the petition lands, which are allegedly owned by the Gram Panchayat concerned. Apart from the above mere apprehension, there is no document enclosing therein, the emanation of any valid cause of action, thus to ably lead the petitioners to thus motion this Court, so that the relevant mandamus, can be made upon the respondent concerned.

2. The present petitioners have also appended therewith representations, as, made to the Authorities concerned, whereby they claim that since they have with the requisite *animus possidendi thus* acquired title by prescription on the petition lands, therefore a direction be made, upon the respondents concerned, to decide the said representations.

3. However, the said claim raised in the representations (supra), cannot also be directed to be decided by the respondents concerned, as the remedy to vindicate the said claim, is not through representations, being

filed before the respondents concerned, but the remedy to vindicate the said raised claim qua acquisition of title by prescription, is through the institution of a civil suit, before the jurisdictionally competent Civil Court.

4. Since the said civil suit has already been instituted before the Civil Court concerned, therefore, the accessings made to this Court by the present petitioner is an inaptly recoured remedy.

5. In consequence, the writ petition is dismissed, as being not maintainable, at this stage, as the remedy permissible under law to the petitioners, has already been recoured, at the instance of the petitioners.

(SURESHWAR THAKUR)
JUDGE

29.05.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned:-
Whether reportable:

Yes/No
Yes/No