

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.13282 of 2023
Date of decision : 18.07.2023

Surinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present:- Mr. Priyanshu Kamra, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

The present writ petition has been filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of mandamus directing the official respondents to restore the *kacha khal* to the agricultural land of the petitioner which has been dismantled illegally by the private respondents and for taking action as per law against the private respondents for the said illegal act.

Learned counsel for the petitioner has contended that the civil suit was pending between the petitioner and respondent No.4. He submits that the interim stay granted them would be applicable on the petitioner only and as the State was not a party so it cannot be restrained by granting the prayer made by the petitioner in this case.

However, learned State counsel has filed the status report by way of affidavit of Jinesh Goyal, Divisional Canal Officer, Faridkot on

behalf of respondents No.1 to 3 and has submitted that the Civil Court has already granted the stay as the prayer made by the petitioner pertains to the same land and thus, during the pendency of the civil suit, respondents are not in a position to entertain the prayer made by the petitioner.

In view of the above, no ground to entertain the prayer made by the petitioner at this stage is made out. Accordingly, the present petition stands dismissed. However, the petitioner is at liberty to raise his plea before the Civil Court where the matter is pending.

(RAJESH BHARDWAJ)
JUDGE

18.07.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No