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

CWP-22500-2018

Date of decision: 30.05.2023

Rajesh Bansal and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Saurabh Bajaj, Advocate for the petitioners.

Mr. Rajneesh Chadwal, AAG, Haryana
for respondent Nos.1 to 4.

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 mandamus directing the respondents to conduct the demarcation of Purana Qila, Panipat for identifying the Nazul property. Further prayer has been made in the present writ petition for issuance of a writ in the nature of prohibition restraining the respondents from initiating any action under Section 408-A of the Haryana Municipal Corporation Act, 1994 and further restraining the respondents from evicting the petitioners from the property in question.

2. A perusal of the paper book would show that an eviction order dated 19.03.2014 has been passed against the present petitioners in a petition i.e. Case/Suit No.192 filed by the Municipal Corporation, Panipat.

Neither, the said eviction order is the subject matter of challenge before this Court nor the order dated 19.03.2014 has been placed on record. The petitioners have moved an application for setting aside the said eviction order dated 19.03.2014 as the same is stated to be an ex parte eviction order and the said application has been annexed along with the writ petition as Annexure P-12 (page 43). It is stated that the said application is pending. On a pointed query raised by this Court, learned counsel for the petitioners has submitted that there is no stay operating against the eviction order dated 19.03.2014 in the said proceedings.

3. It is the case of the respondents that the petitioners had encroached the land of “Pandavas Quila” and eviction order dated 19.03.2014 was passed against the petitioners, which has not been challenged till date. It is the admitted case of the parties that Public Interest Litigation bearing CWP-16002-2013 titled as “Deepak Tayal Vs. State of Haryana and others Vs. State of Haryana and others” was filed before this Court in which the Hon’ble Division Bench of this Court had issued directions to decide the pending cases under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 against the encroachers of the land of “Pandavas Quila” and vide order dated 01.09.2015, the said writ petition was disposed of on the statement of learned counsel for the respondents that all the cases shall be decided expeditiously preferably within a period of four months and that suitable action would be taken in accordance with law and thereafter, contempt petition bearing No.COCP-839-2016 had been filed, which was disposed of on 22.07.2019.

4. From the above facts and circumstances, it is clear that the

order of eviction dated 19.03.2014 has been passed against the petitioners and the same has not been challenged before this Court. It is not for this Court to collect evidence for the petitioners by ordering demarcation more so, when the eviction order dated 19.03.2014 is not even the subject matter of challenge before this Court. Any interference by this Court would result in two parallel proceedings, one in pursuance of the application filed by the petitioners for getting the ex parte order dated 19.03.2014 set aside and the other being the present writ petition.

5. Keeping in view the abovesaid facts and circumstances, there is no merit in the present writ petition and accordingly, the same is dismissed. Liberty is however granted to the petitioners for pursuing their applications filed for setting aside the ex parte order dated 19.03.2014, if still pending.

30.05.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**