

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

117

CWP-18033-2023

Date of decision: 21.08.2023

HARSH

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Parambir Singh Ghotra, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

1. The present petition seeks issuance of directions to the official respondents No.1 to 3 to prevent trespassing/illegal interference by the private respondents with the land measuring 42 Kanals-18 Marlas, comprising Khewat No. 846, Kitte 6, Hadbast Number 48, Village Sadarour, Tehsil Gharounda as per Jamabandi for the year 2017-18 (Annexure P-2), held by the petitioner.

2. The petitioner, a minor, has approached this Court through his next friend i.e. the mother alleging that the above said agricultural land is in their possession and that the private respondents are interfering in the same. Complaints in this regard had been submitted to the local police authorities, however, they are not taking any action.

3. He draw attention of this Court to the *Jamabandi* as well as the accompanying documents to establish his claim that the actual physical possession of the land is with them. He has further argued that the respondents are repeatedly threatening the petitioner and not

allowing her access to the land and that the petitioners have been submitting representations to the Police over a period of more than one year, with no avail. It has also been argued that it is not easy for a common man to approach the High Court and that he had to approach the High Court only on account of in-action of the respondent police and having been left with no other place to espouse his grievance. It is further contended that if the petitioner approaches to the Civil Court, the direction, if any, would only be issued to the same authorities who are not responding to the legal notice.

4. I have heard learned counsel appearing on behalf of the petitioner and have also gone through the documents appended alongwith the present petition.

5. After going through the same, I find that the present petition is grossly misconceived. A dispute which is ordinarily to be brought before Civil Court, in an appropriate suit, is being attempted to be agitated before the High Court under a writ jurisdiction merely on the strength of submission of application/representation to the concerned authorities. The grievance of the petitioner that the authorities are not taking action despite representation submitted by him to the police is grossly misconceived as in a dispute pertaining to possession, a person needs to approach civil court and establish his possession and seek protection. It is thereafter that the rule of law enforcement comes to play. Having chosen to pursue wrong remedies cannot be the ground to contend that the petitioner has been left remediless. Apparently, the petitioner has been ill advised against filing

an appropriate Civil Suit for seeking injunction and to submit frivolous representation before the Police.

6. Nothing has been brought on record to establish that the Civil Court is not competent to grant the relief as has been claimed and/or that it is not capable of implementing any order that may be so passed. The submission that the petitioner has no other Court other than the High Court to approach is thus grossly misconceived since the remedy to approach Civil Court nearer at hand is available and is competent to grant all such relief.

7. Besides, the petitioner has only appended the Jamabandi and has chosen not to attach the Khasra Girdawari which is a primary document to show possession. No other document has been appended to substantiate the claim to possession.

8. The present petition, thus raises disputed questions as regards possession and considering that this is largely a civil dispute that has been couched as a writ petition, the same is hence dismissed *in limine*.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 21, 2023

Vishal sharma

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