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

**CWP No.23930 of 2023
Date of decision : 19.10.2023**

Kartar Singh Saini and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Satya Dev Bansal, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed for quashing the impugned order dated 03.08.2023 (Annexure P-33) passed by the District Revenue Officer i.e. respondent No.5 and the demarcation report dated 27.03.2018 (Annexure P-32) given by respondent No.8 without issuing any notice to the petitioners and also without physically making any spot inspection and also preparing report in connivance with the private respondents No.9 to 12, which is totally contrary to the Revenue Record and against the principles of natural justice and also against/contrary to the orders dated 05.07.2014 (Annexure P-9), order dated 29.11.2016 (Annexure P-27), judgment and decree dated 27.03.2017 (Annexure P-29) and the order dated 06.03.2017 (Annexure P-28) passed by this Court in CWP No.25774 of 2016 titled as "Mubarak Singh and three others vs. State of Haryana and

others”. Further prayer has been made for directing respondents No.1 to 7 to comply with the order dated 06.03.2017 (Annexure P-28) in CWP No.28774 of 2016 passed by this Court and also the order dated 08.11.2016 (Annexure P-25) passed by respondent No.2 in totality and further for staying the operation of impugned order dated 03.08.2023 (Annexure P-33) passed by respondent No.5.

The precise grievance raised by the petitioners in this petition is the fresh demarcation which has been carried out by the respondents on the application filed by respondent No.9 dated 09.03.2022. He submits that the application was filed clandestinely and the petitioners already knew that earlier about seven times, the demarcation had been carried out but he filed this application with a specific prayer that the same be carried out by the Tehsildar, namely, Jaibir Malik. He submits that the petitioner was never associated at the time of the demarcation conducted by the respondents- authorities. He submits that in pursuance to the same, the learned District Revenue Officer has sent a letter dated 03.08.2023, which is totally unsustainable in the eyes of law.

Notice of motion to the official respondents at this stage.

On asking of the Court, Ms. Upasna Dhawan, AAG, Haryana appears and accepts notice on behalf of respondents No.1 to 7. She has opposed the submissions made by learned counsel for the petitioners and submits that the grievance raised by the petitioners in the present petition is not maintainable and they have their alternative remedy to avail the same.

On hearing learned counsel for the parties, it is apparent that the petition involves the disputed question of facts for which the petitioners

has an alternative remedy. Hence, the present petition stands disposed of with liberty to the petitioners to approach the Deputy Commissioner, Jind for the redressal of their grievances by way of filing appropriate petition/representation. If any such petition is filed within a period of ten days from today, the Deputy Commissioner, Jind would decide the same in accordance with law within a period of four weeks thereafter.

The impugned order dated 03.08.2023 in this petition would remain in abeyance till the decision of the representation/petition, if any filed by the petitioners as stated above.

(RAJESH BHARDWAJ)
JUDGE

19.10.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No