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

CWP-28712-2022

Date of decision : 22.02.2023

Sumer Chand and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rakesh Bakshi, Advocate for the petitioners.

Ms. Upasana Dhawan, AAG, Haryana
for respondent Nos.1 to 3.

VIKAS BAHL, J. (ORAL)

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 respondents to enter the mutation of the plots in the name of the petitioners.

On 14.12.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“The petitioners allege to be in possession of certain property by virtue of a family partition. Since the co-sharers were interfering in their possession, a suit for injunction was filed. The same has been decreed and further appeals thereagainst have been dismissed. Based on the Civil Court decree, the petitioners have sought entry of mutation in their

favour. This Court has been approached because nothing has been done upon the request made by them.

The relief sought cannot be granted as the decree granted in the suit for injunction is not a declaration of title. Thus, learned counsel for the petitioners seeks time to get instructions.

Adjourned to 22.02.2023.

December 14, 2022

Sd/-(SUDHIR MITTAL)

JUDGE”

Learned counsel for the petitioners seeks permission of this Court to withdraw the present Civil Writ Petition with liberty to file a fresh petition after annexing the jamabandies and all the relevant documents.

In view of the above, the present Civil Writ Petition is dismissed as withdrawn with liberty aforesaid.

It is made clear, in case, any such petition is filed then the same be considered independently on its merits.

22.02.2023

Pawan

(VIKAS BAHL)

JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No