

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024.PHHC.095267-DB



(102)

CWP-5334-1997
Decided on : 29.07.2024

Mewa Singh

.....Petitioner(s)

Versus

Kuldip Singh and others

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA

Present:- Ms. Navjot Kaur, Advocate for
Mr. Sumeet Jain, Advocate for the petitioner (s).

Mr. Vijay Lath, Advocate for respondent No.1.

Ms.Arundhati Kulshereshta, AAG, Punjab.

G.S. Sandhawalia, J.(Oral)

Challenge in the present writ petition filed under Article 226/227 of the Constitution of India is to the order dated 04.07.1996 (Annexure P-2) passed by the Additional Director Consolidation of Holding, Punjab, Mohali.

2. Counsel for the petitioner submits that he has no instructions to bring on record the legal heirs of the sole petitioner. It is in such circumstances, we proceed to decide the case on merits, since there is an interim order operating in the form of status-quo to be maintained, which was passed way-back on 22.04.1997.

3. The stand of private respondent No.1 is that the said order was subject matter of challenge in an earlier round of litigation by the petitioner wherein **CWP No.415 of 1997** was dismissed on 10.01.1997. Copy of the writ petition and the order dated 10.01.1997 have been appended as Annexure

R-1/1. The said order reads as under:-

“We find no infirmity in the impugned order annexure P-2. Ajaib Singh had sold 11 kanals 11 marlas of land to the father of the respondents No.2 and 3 along with his share in the shamlat. Instead of giving the share in the shamlat land to respondent No.2 and 3 the same was given to the petitioner, which has now been taken and allotted to respondent No.2 and 3 by the impugned order. The impugned order is just, proper and in accordance with law.

Dismissed.”

4. In the present writ petition, it has been specifically pleaded that the petitioner has not filed any other or similar writ petition before this Court. The present writ petition was filed after the dismissal of **CWP No.415 of 1997** and, therefore, there is concealment of facts. Accordingly, we are of the considered opinion that the petition is not liable to be heard on merits, since the order dated 10.01.1997 has not been challenged by filing an SLP. It has further been pointed out that in the order dated 04.03.1998 (Annexure R-1/3) passed in other writ petition bearing **CWP No.5330 of 1997** filed by the petitioner regarding the dispute *inter se* similar issue with other private respondents, the order dated 10.01.1997 has also been referred.

5. In such circumstances, we are of the considered opinion that having not challenged the earlier order, the present writ petition is not maintainable and same is hereby dismissed. All interim orders stand vacated.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

29.07.2024
Naveen

Whether speaking/reasoned : Yes
Whether Reportable : No