



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

214

CWP-18868-2020

Date of Decision: 03.12.2024

OM PARKASH BANTH

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Saurav Bhatia, Advocate for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing the respondents No.1 to 3 to return the suit property to the petitioner and other legal heirs, which was transferred/gifted by the late father of the petitioner vide Gift Deed dated 23.05.1986.

Learned counsel for the petitioner contends that the land in question was gifted by the late father of the petitioner to the respondents for constructing a Primary Health Centre, however, no such Centre has been constructed by the respondents despite a lapse of nearly 38 years. Hence, the land in question ought to have been returned to the petitioner.

Learned State Counsel makes a reference to the reply filed by way of an affidavit of Dr. Devinder Kumar Dhanda, Civil Surgeon, Shaheed Bhagat Singh Nagar to contend that the land in question was gifted by the late father of the petitioner and as such, the petitioner now cannot seek return of the said land. It is further averred that one Subsidiary Health Centre (SHC) and one

Health Centre have already been constructed and are presently functional there to provide health services to the people of the village in question (i.e. Village Rattewal, Tehsil Balachaur, District Shaheed Bhagat Singh Nagar) and as such, the land in question is being duly utilized by the Health Department. It is further averred that the Health Department having utilized the land for a specific purpose i.e. one Subsidiary Health Centre (SHC) and one Health Centre, which are currently functioning there, the petitioner cannot contend that in the event of the land not being used for the Primary Health Centre, it ought to be returned to him.

I have heard the learned counsel for the respective parties and have gone through the documents and other material available on record with their able assistance.

After hearing both sides, I am of the considered opinion that the issue involved in the present petition gives rise to certain disputed questions of facts qua seeking declaration of civil rights of the petitioner pertaining to the land in question, which such issue(s) cannot be gone into by this Court in exercise of a writ jurisdiction. The petitioner may, if so advised, approach the Civil Court for the relief sought herein or may take recourse of other alternative remedy(ies) available to him in accordance with law.

The present petition is accordingly dismissed at this stage with the liberty as aforesaid.

DECEMBER 03, 2024.
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No