

2024:PHHC:101736-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(116)

CWP-18462-2024
Decided on : 07.08.2024

Baldev Singh

.....Petitioner(s)

Versus

State of Haryana & others

.....Respondent(s)

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

Present: Mr.S.S.Sahu, Advocate for the petitioner (s).

G.S. Sandhawalia, J.(Oral)

1. Prayer in the present writ petition, filed under Article 226/227 of the Constitution of India is to direct the respondents not to dispossess the petitioner from the land comprising in Khasra No.9//24 (0-10), 25 (0-18), 12//3 (5-0), 4 (6-17), total 6 kanals 17 marlas, situated in the revenue estate of Village Haroli, Tehsil Ratia District Fatehabad.

2. The petition has been filed on the strength that the due process has not been followed in seeking to evict the petitioner from his house. The apprehension is on the basis of a resolution dated 07.01.2021 (Annexure P-1) and the stand is the entries in the revenue record and on the ground that there is a construction over the land in dispute.

3. We are of the considered opinion that there is an alternate and efficacious remedy available to the petitioner under Section 7 of the Haryana Village Common Lands (Regulation) Act, 1961 whereby any inhabitant of the village can file a petition also raising a question of title. Since disputed questions and factual matrix would have to be thrashed out, it is trite law that the Writ Court cannot take over the issues of disputed questions.

4. Faced with this situation, counsel for the petitioner does not press the present writ petition and prays that the same may be disposed of, as such, to avail his alternative remedy, in accordance with law.

5. We order accordingly.

(G.S. SANDHAWALIA)
JUDGE

07.08.2024
Sailesh

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No