

2024:PHHC:114870-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(122)

CWP-21817-2024
Decided on : 03.09.2024

Balvinder Kaur

.....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.Ravinder Malik, Advocate, for
Mr.Aman Goswami, Advocate for the petitioner (s).

Mr.Ankur Mittal, Addl.A.G., Haryana
Mr.Saurabh Mago, D.A.G., Haryana.

G.S. Sandhawalia, J.(Oral)

1. Prayer in the present writ petition, filed under Article 226/227 of the Constitution of India is for quashing the order dated 05.04.2022 (Annexure P-8) whereby respondent No.4-Collector, Ambala came to the conclusion that on account of encroachment of Panchayat land/Pond, proceedings for removal of the same had been initiated by the Block Development & Panchayat Officer and demolition had been done.

2. The said order was passed in compliance of the earlier order passed by the Learned Single Judge on 19.08.2021 (Annexure P-7) in CWP-15949-2021 filed by the petitioner which was heard along with CWP-15953-2021 titled *Mangat Ram & others Vs. State of Haryana & others*. Learned Single Judge has noticed that demolition had already taken place and directed the Deputy Commissioner, Ambala to visit to the village and after seeing the location and the nature of construction, pass appropriate orders, if required.

3. Petitioner has now challenged the said order dated 05.04.2022 (Annexure P-8) and prays for grant of compensation to the tune of Rs.50,00,000/- alongwith interest @ 18% per annum on the ground that his residential house was demolished without granting any opportunity of hearing.

4. We are of the considered opinion that disputed questions of fact would arise as to whether construction was raised on the encroached portion or the portion owned by the present petitioner. The cost of construction and the demolition issue would also be subject matter of dispute. In such circumstances, we are of the considered opinion that alternate remedy is available to the petitioner and it is settled principle that the Writ Court would not get into the disputed question of fact.

5. Faced with this situation, counsel for the petitioner prays for permission to withdraw the present writ petitioner and submits that he may be permitted to avail his alternate remedy, in accordance with law.

6. We find that the prayer made is just and accordingly permit counsel for the petitioner to withdraw the present writ petition, with liberty to avail his alternate remedy, if it is so advised.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

03.09.2024
Sailesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No