

**In the High Court of Punjab and Haryana at Chandigarh**

[115]

CWP-771-2024

Date of Decision: 12.01.2024

HARNAM SINGH AND OTHERS ..... PETITIONERS  
VERSUS

STATE OF PUNJAB AND OTHERS .....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR  
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Ashok Kumar Sama, Advocate for the petitioners.

Mr. Maninder Singh, DAG, Punjab.

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**SURESHWAR THAKUR, J. (ORAL)**

1. Through the instant writ petition filed under Article 226/227 of the Constitution of India, the petitioners seek the issuance of a writ, order or direction, especially in the nature of mandamus thus, directing respondents No.2 to 6 not to interfere in the peaceful possession of the petitioners over the disputed lands, given the making of the declaratory decree qua the petitioners rather by the jurisdictionally competent Civil Court concerned.
2. The above asked for mandamus, is but naturally in the nature of the petitioners, asking for the making of a decree of permanent prohibitory injunction, as arising from any purported threat or invasion, being made by the respondents concerned, over their purported settled possession thereons, as declared in a declaratory decree made by the Ld. Civil Court of competent jurisdiction. Therefore, but as a natural sequel thereof, the above decree of permanent prohibitory injunction, or an interim order of injunction rather cannot be passed by this Court, as thereby, this Court would be usurping the jurisdiction conferred, upon a Civil Court of competent jurisdiction.

3. In the wake of the above, the learned counsel for the petitioners seeks and is permitted to withdraw the instant writ petition, but with liberty to, if permissible under law, access the Civil Court of competent jurisdiction, with a suit being laid there, for rendition of a decree of permanent prohibitory injunction, against any purported invasion or threat, being made qua the settled possession of the petitioners over the petition lands.

4. It is further clarified that yet if the Gram Panchayat concerned, is the proven lawful owner of the petition lands, it may seek the eviction of the petitioners from the disputed lands, but through its recouring the permissible legal remedies.

(SURESHWAR THAKUR)  
JUDGE

(LALIT BATRA)  
JUDGE

January 12, 2024  
Anjal\*

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |